



# DU PAGE COUNTY

## Development Committee

### Final Regular Meeting Agenda

421 N. COUNTY FARM ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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Tuesday, August 1, 2023

10:30 AM

ROOM 3500B

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1. CALL TO ORDER
2. ROLL CALL
3. CHAIRMAN'S REMARKS- CHAIR TORNATORE
4. PUBLIC COMMENT
5. MINUTES APPROVAL
  - 5.A. [23-2496](#)  
Development Committee - Regular Meeting - Tuesday, July 11, 2023
6. REGULATORY SERVICES
  - 6.A. [23-2497](#)  
ZSE-23-000005 Abhyudaya Retreat Center Wedding: To approve the special event action item:  
A wedding ceremony and two (2) pre-wedding events to be held at the Abhyudaya Retreat Center on September 2, 2023 and September 3, 2023 for between 200-220 guests. (Downers Grove/ District 3) (Generally located northwest of Route 83 and Bluff Road)
  - 6.B. [DC-O-0031-23](#)  
ZONING-23-000021 – Malinin: The Zoning Hearing Officer recommended to deny the following zoning relief:
    1. Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2.
    2. Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2. (Downers Grove/ District 3) (Located at the northwest corner of 90th Street and Vine Street)  
ZHO Recommendation to Deny
  - 6.C. [DC-O-0032-23](#)  
ZONING-23-000028 – Catie's Place, LLC.: The Zoning Board of Appeals recommended to deny the following zoning relief:  
Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces. (York/District 2) (Located on the southside of Roosevelt Road, in between Third Street and Addison Avenue)  
ZBA VOTE (to Deny): 4 Ayes, 2 Nays, 1 Absent

6.D. [DC-O-0033-23](#)

ZONING-23-000030 – Bakas: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback. (Lisle/District 2) (Located at the southwest corner of Ridgeview Lane and Park Meadow Drive)

ZHO Recommendation to Approve

6.E. [DC-O-0034-23](#)

ZONING-23-000031 – Eiternick: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years. (Addison/ District 1) (Generally located northwest of Howard Street and Diversey Place, on the west side of Howard Street)

ZHO Recommendation to Approve

6.F. [DC-O-0035-23](#)

ZONING-23-000040 – JB Capital Management, LLC.: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use with exceptions for the existing buildings and improvements:

1. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'.
2. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'.
3. Exception to allow parking in existing 40' corner side yard on proposed Lot 1.
4. Exception to allow parking in existing 20' interior side yard on proposed Lot 1.
5. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'.
6. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'. (Downers Grove/ District 3) (Generally located southwest of Madison Street and Jeans Road)

ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent

**7. ADMINISTRATIVE APPEAL HEARING**7.A. [23-2498](#)

Action Item - Request by VB BTSII, LLC for Appeal of the Building Official's decision on issuance of a new building permit under Building Code Section 8-112.6's Exception after revocation of Permit Number T69474

**8. OLD BUSINESS****9. NEW BUSINESS****10. ADJOURNMENT**



# Minutes

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
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**File #: 23-2496**

**Agenda Date: 8/1/2023**

**Agenda #: 5.A.**

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# DU PAGE COUNTY

## Development Committee

### Final Summary

421 N. COUNTY FARM ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**Tuesday, July 11, 2023**

**10:30 AM**

**ROOM 3500B**

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**1. CALL TO ORDER**

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:30 AM.

**2. ROLL CALL**

<b>PRESENT</b>	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
<b>LATE</b>	Krajewski

**3. CHAIRMAN'S REMARKS- CHAIR TORNATORE**

No remarks were offered.

**4. PUBLIC COMMENT**

No public comments were offered.

**5. MINUTES APPROVAL**

5.A. [23-2273](#)

Development Committee - Regular Meeting - Tuesday, June 20, 2023

**Attachments:** [Summary22-Jun-2023-08-46-50.pdf](#)

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Patty Gustin
<b>SECONDER:</b>	Liz Chaplin
<b>AYES:</b>	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
<b>LATE:</b>	Krajewski

**6. DISCUSSION**

6.A. [23-2274](#)

Explore the potential for a grass cutting ordinance in the unincorporated areas.

Chair Tornatore informed the Committee that County Board Member Grant Eckhoff had been receiving complaints from his constituents about tall grass. Chair Tornatore explained that he looked into the matter and found that the County currently does not have an ordinance.

Paul Hoss, the Planning & Zoning Administration Coordinator explained, there is a Property Maintenance Code that the County adopts from the International Property Maintenance Code under section 302.4 Weeds. When we adopt the property maintenance code this portion is normally deleted from enforcement. It has been determined to be cost prohibitive to enforce a weed program. Many of the Townships already have a weed cutting program and in the past have turned these issues over to them. He added that the County has submitted an application for a grant through the Illinois Housing Development Authority for \$750,000 which includes \$100,000 for grass/weed cutting. These funds would be used toward our Clean and Lien program properties. One option would be to use this only in extreme circumstances. Otherwise a violation notice could be issued, giving owner 14 days to come into compliance, send violation to adjudication, and get an adjudication order for the County to cut the grass.

Chair Tornatore opened up the issue for discussion. The process the Townships normally follow was explained. Member Gustin inquired if there was an Intergovernmental Agreement between the Townships and the County, which there is not. Member Krajewski spoke to the issue of timeliness of action after a complaint is made. Member Eckhoff added that if the Townships don't act on a complaint, since the County has concurrent jurisdiction, we should act. Members Chaplin, Ozog and Rutledge agreed things should remain as they are. Mr. Hoss was asked to obtain Township ordinances and provide to Committee Members for future discussion.

**7. OLD BUSINESS**

No old business was discussed.

**8. NEW BUSINESS**

No new business was discussed.

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 11:04 a.m.



## Action Item

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
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**File #:** 23-2497

**Agenda Date:** 8/1/2023

**Agenda #:** 6.A.

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DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

# BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

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## MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: August 1, 2023

RE: **ZSE-23-000005 Abhyudaya Retreat Center Wedding (PIN: 1011100024, 1011100023, 1011100029) (Downers Grove/ District 3)**

**Action:** To approve ZSE-23-000005 Abhyudaya Retreat Center Wedding, to be held from Saturday, September 2, 2023 to Sunday, September 3, 2023.

Arundhati Jayarao has requested to conduct two (2) pre-wedding events and a wedding ceremony for her daughter at the Abhyudaya Retreat Center for between 200-220 guests on September 2, 2023 and September 3, 2023.

Two (2) pre-wedding events will occur on Saturday, September 2, 2023: (1) a morning event ending with lunch and (2) a dinner event starting at 5:00 PM and ending by 10:00 PM. The wedding ceremony will commence on Sunday, September 3, 2023 starting at 9:30 AM and ending with lunch at 1:00 PM. The wedding ceremony will be held outdoors on the patio and the guests will assemble under a tent.

The Special Event will consist of the following and the applicant has provided the following pursuant to the special event requirements of the Zoning Ordinance:

<b>Date</b>	Saturday, September 2, 2023 – Sunday, September 3, 2023
<b>Hours</b>	Beginning at approximately 9:30 AM
<b>Activities</b>	Pre-Wedding Events (9/2/23) and Wedding Ceremony (9/3/23)
<b>Location</b>	Abhyudaya Retreat Center, 11S250 Route 83 (Kingery Highway), Hinsdale, IL 60257
<b>Traffic/Parking</b>	All parking will occur in existing Abhyudaya Retreat Center parking lot.
<b>Insurance</b>	Goosehead Insurance Agency, LLC. (Traveler’s Insurance) in the amount of \$1,000,000



**DUPAGE  
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### Special Event Narrative

A Structure tent 50' x 40' x 10' will be erected for the purpose of seating approximately 200 guests for a wedding Ceremony on September 3, 2023 in the outdoor space of Abhyudaya Retreat Center, 11S250 Kingery Highway, Willowbrook IL 60257. The Abhyudaya Retreat Center has been rented for the days of September 2, 2023 and September 3, 2023 for hosting the wedding celebration. The tent will be placed at the back of the building, with the Patio overlooking the tent. A major portion of the tent will cover a asphalt basket ball court area of 40' by 32' area. The ceremony is in the morning and the tent will be occupied between 10 am through 1 pm. The wedding ceremony will take place, weather permitting, on the patio under the trees. There will be no cover over the Patio save a staging area, some decorative flowers and drapes off the trees. The patio itself can seat easily 40-50 people on either side of the staging area of the ceremony. The tent will not be used after dark, hence there will not be any lighting. We do not plan to use any decorative lighting. There will be no hot food served in the tent. Only cold juice and water will be passed around. There will be no heating or cooling of tent. The tent has no side walls. It has one side of the gable open to help the audience view the ceremony on the Patio. In the event of rain where there is no fear of wind or lightening but just a persistent drizzle that might blow in from the open side, we might have tent walls as back up. In case of excess wet weather the ceremony will be moved into the Abhyudaya Center itself. There will be no water connections, no coolers, no electric connections as the event will be during day and we hopefully have pleasant weather. The tent will be staked into the grass on all sides. We have a plat of survey from Abhyudaya, a fire retardant certificate from Blue Peak Tents as well as a rental contract with Blue Peak Tents which we can append to the application as proof. We have a rental contract from Abhyudaya Retreat Center giving us the permission to use the entire center, save a couple of their office rooms, as well as the 12 acre land on which the Abhyudaya Center building is housed. We can submit a copy of this contract too. There is a parking area upfront of the building at a sizable distance away from the area where the Structure Tent will be erected. The main highway IL-83 that is the egress into the Abhyudaya Retreat Center and its parking area is easily 0.25 miles away from the center and the area where the tent will be erected. The tent, the ceremony or the seated attendees will in no way be obstructing any main road. I have also indicated on the copy of the plat of survey where the tent will be erected and the ceremony take place.





DUPAGE COUNTY

Building Division

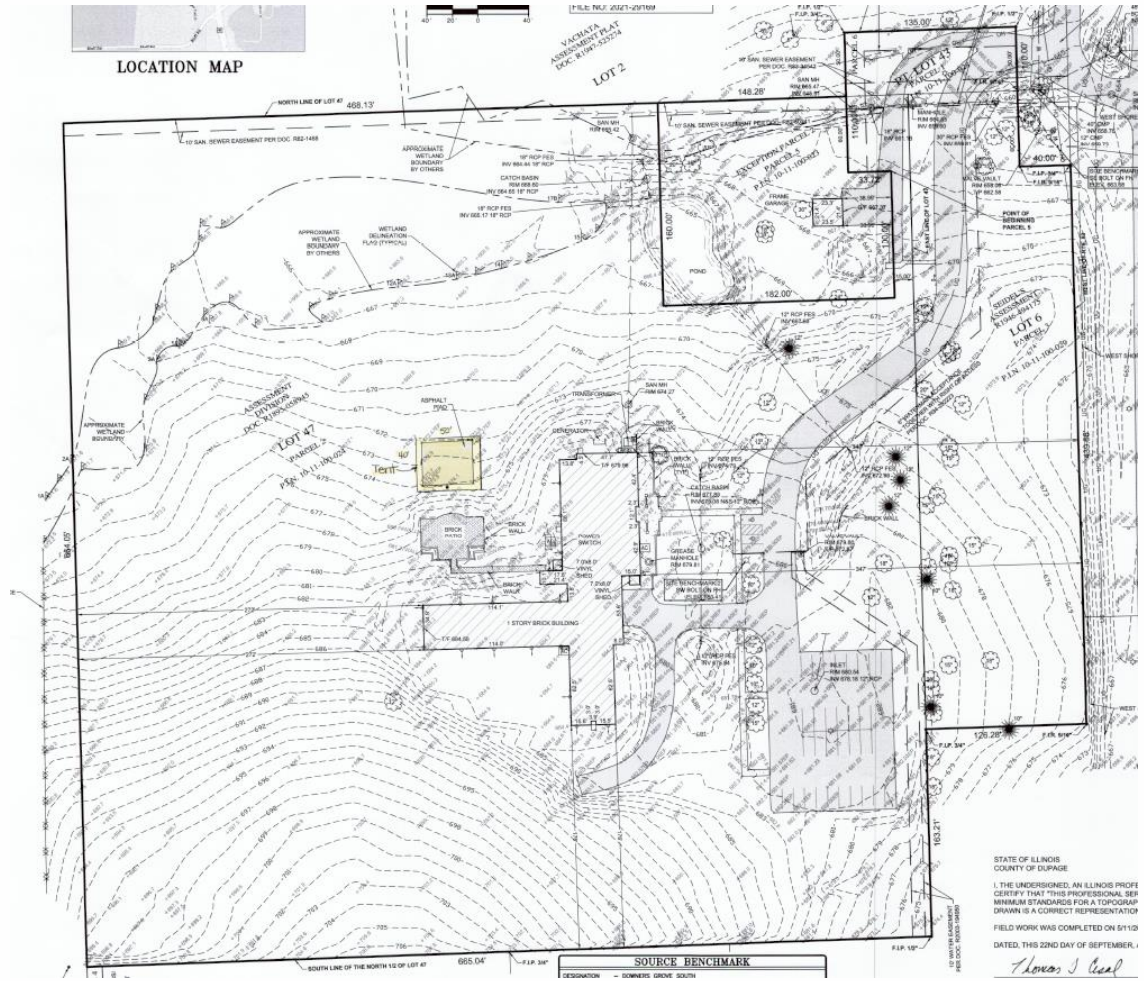
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## SPECIAL EVENT INSURANCE POLICY

New Business Declarations

### INSURED AND AGENT INFORMATION

#### Named Insured & Mailing Address

Maddury Somayazulu  
116 N Cranberry St  
Bolingbrook, IL 60490

#### Agent Information

GOOSEHEAD INSURANCE AGENCY LLC.  
5600 N RIVER RD STE 500  
ROSEMONT, IL 60018

### POLICY INFORMATION

Policy No: 9323059694001

Policy Period:

Issue Date: 07-06-2023    Event Date: 09-03-2023

Your Insurer:

The Standard Fire Insurance Company

For Policy Service call: 1 888-342-5977

For Claim Service call: 1 800-252-4633

TOTAL POLICY PREMIUM  
This Is Not A Bill

**\$465.00**

### POLICY COVERAGES & LIMITS OF LIABILITY

#### SPECIAL EVENT COVERAGES

	<u>LIMIT OF LIABILITY</u>	<u>PREMIUM</u>
A - Cancellation / Postponement	\$35,000	
B - Additional Expense	\$7,000	
C - Event Photographs / Video	\$3,000	
D - Event Gifts	\$2,500	
E - Special Attire	\$3,000	
F - Special Jewelry	\$2,500	
G - Lost Deposits	\$2,500	

#### LIMIT OF LIABILITY

#### PREMIUM

Special Event Coverage Premium

\$300.00

### OPTIONAL ENDORSEMENTS & COVERAGES

#### ENDORSEMENTS

Special Event Liability: Coverage effective 48 hours  
prior to 12:01 am standard time on the Event Date:  
09-03-2023 until 2:00 am standard time on 09-04-2023

#### LIMIT OF LIABILITY

\$1,000,000 per Occurrence  
\$1,000,000 General Aggregate

#### PREMIUM

\$165.00

Property Damage Liability Sublimit

\$25,000

PL-13105 Ed. 7-10

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Page 1 of 2



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## POLICY FORMS AND ENDORSEMENTS

SE-1 (10/15)	SPECIAL EVENT INSURANCE	Mandatory
SE-202 (10/20)	PANDEMIC, OUTBREAK OR EPIDEMIC EXCLUSION	Mandatory
SE-300 IL (10/15)	SPECIAL PROVISIONS - ILLINOIS	Mandatory
SE-200 (10/15)	SPECIAL EVENT LIABILITY	Optional
SE-400 IL (10/15)	SPECIAL PROVISIONS - ILLINOIS	Optional

## EVENT INFORMATION

### INSURED EVENT ADDITIONAL INSURED(S)

Wedding

### HONOREE(S)

Maneeshika Madduri  
Saketh Pothireddy

### EVENT LOCATION(S)

**CEREMONY**  
Abhyudaya Retreat Center  
11S250 IL-83  
Willowbrook, IL 60527

**RECEPTION**  
Abhyudaya Retreat Center  
11S250 IL-83  
Willowbrook, IL 60527

**REHEARSAL**  
Abhyudaya Retreat Center  
11S250 IL-83  
Willowbrook, IL 60527

**REHEARSAL DINNER**  
Abhyudaya Retreat Center  
11S250 IL-83  
Willowbrook, IL 60527

## OTHER ADJUSTMENTS

\* NOTE: The additional cost for any optional endorsement or coverage shown as "included" is contained in the Total Policy Premium amount.

### FOR YOUR INFORMATION

This is not a bill. If you have any questions about your insurance, please call 1 888 DIAL WPP (1-888-342-5977). Thank you for insuring with Travelers. We appreciate your business.

PL-13105 Ed. 7-10

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Page 2 of 2



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Building Division

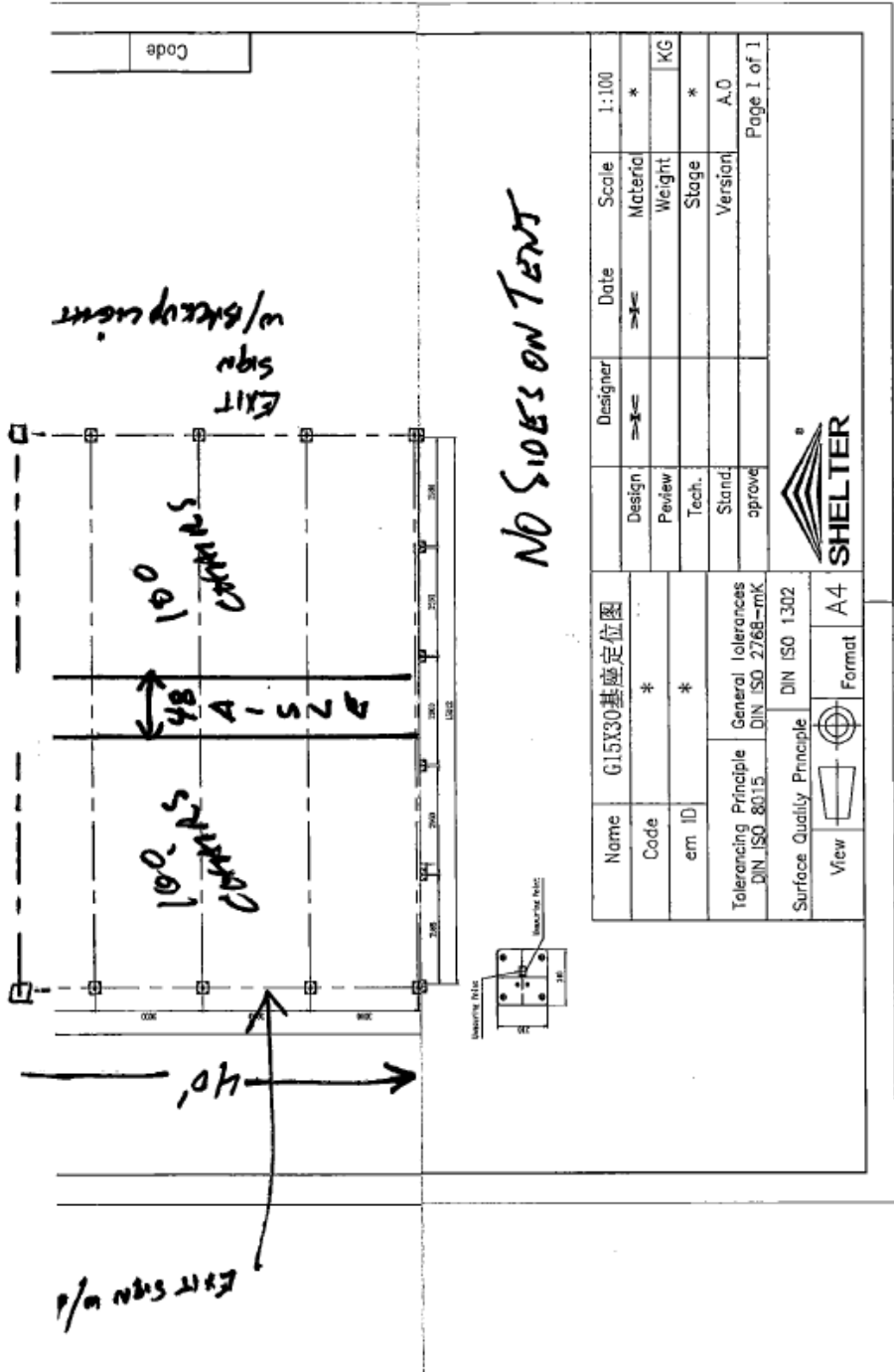
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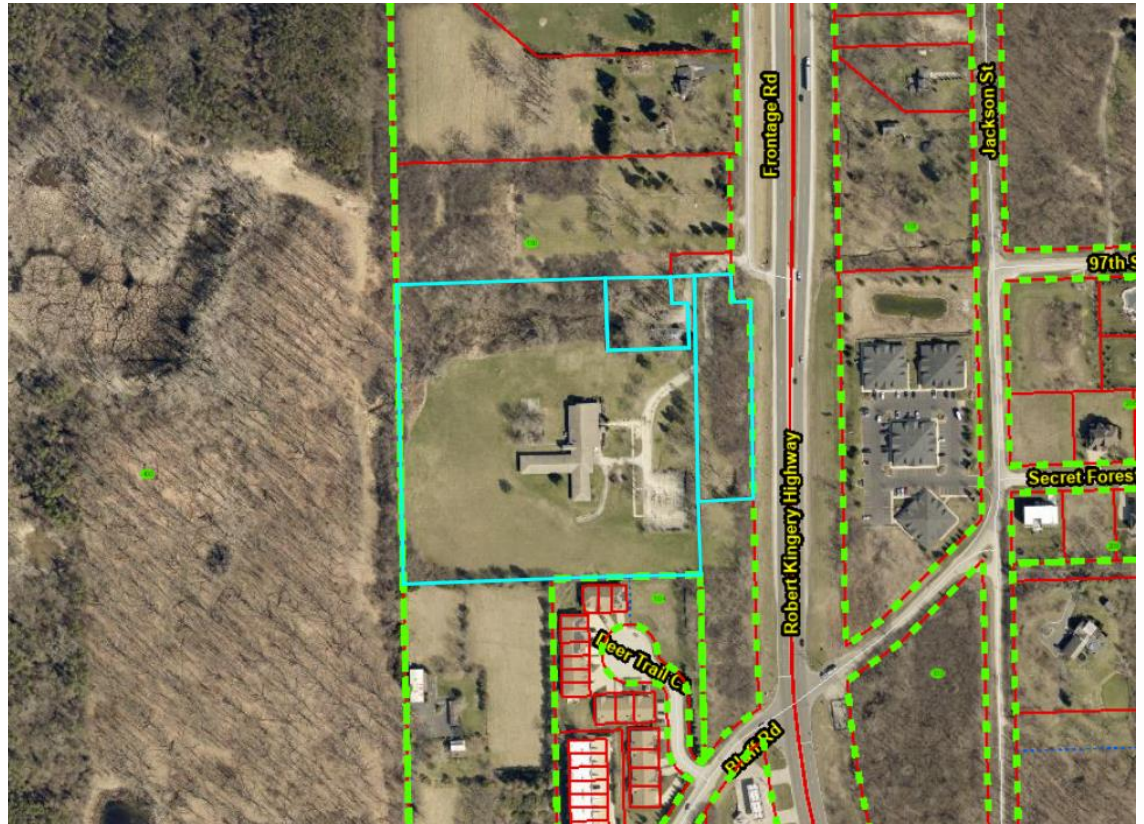
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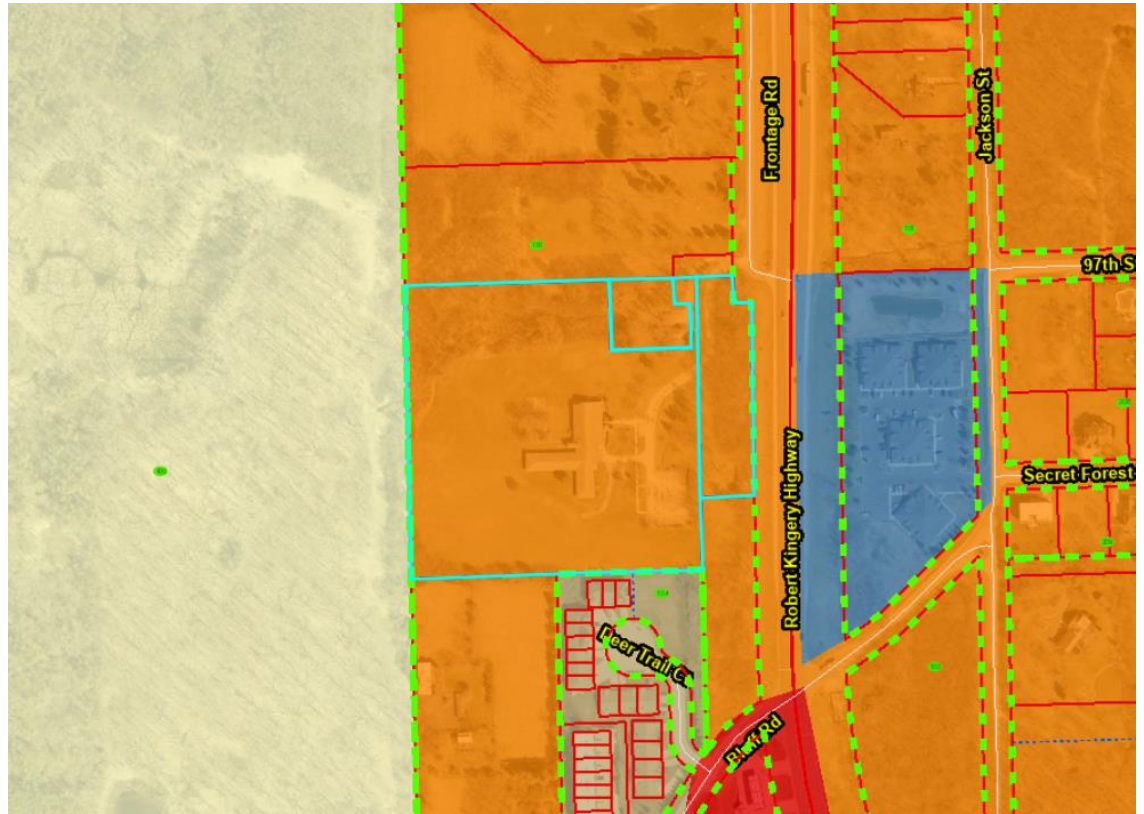
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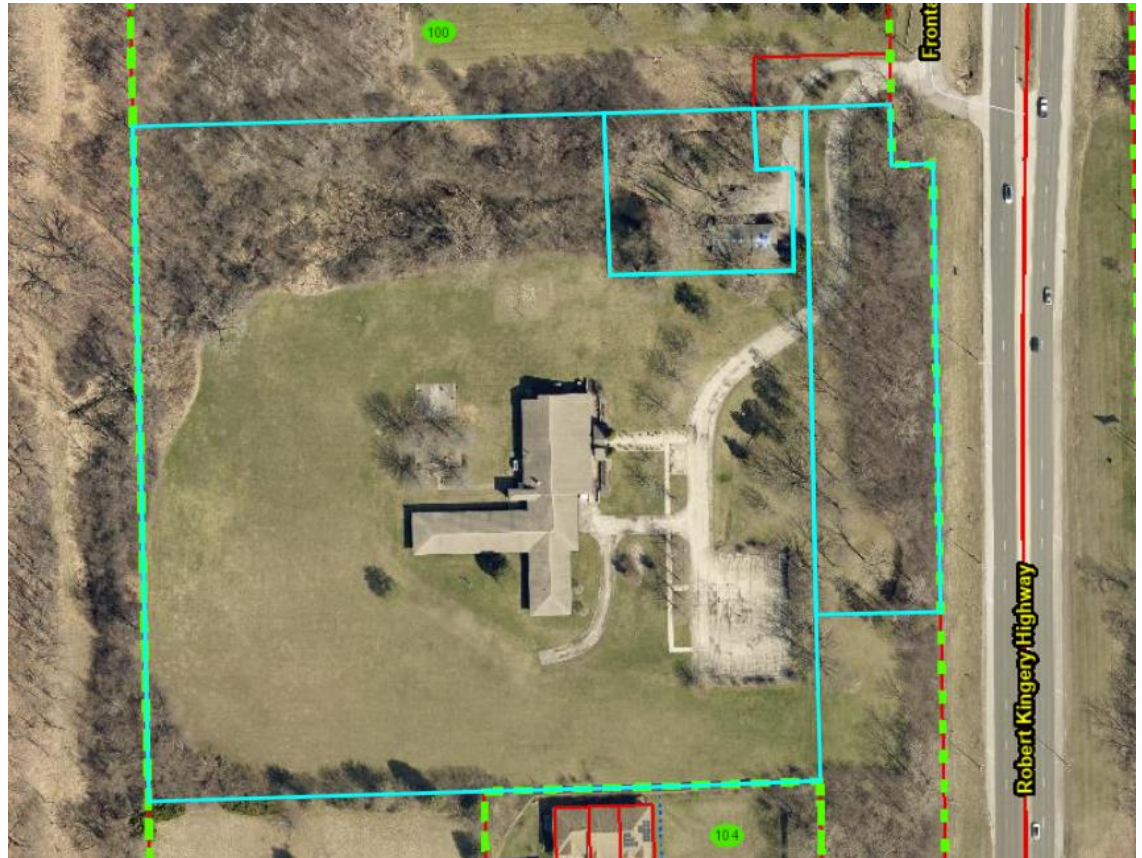
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## BUILDING & ZONING DEPARTMENT

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## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0031-23

**Agenda Date:** 8/1/2023

**Agenda #:** 6.B.

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## BUILDING & ZONING DEPARTMENT

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### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: June 7, 2023

RE: **ZONING-23-000021 Malinin (Downers Grove/ District 3)**

**Development Committee: August 1, 2023:**

**Zoning Hearing Officer: June 7, 2023:** The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2.
2. Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2.

**ZHO Recommendation to Deny**

**FINDINGS OF FACT:**

- A. That petitioner testified that she seeks the subject zoning relief to divide/reconfigure the subject properties into two (2) new lots, approximately 34,635 sq. ft./ 145.3 feet wide for Lot 1 and 34,632 sq. ft./ 145.3 feet wide for Lot 2.
- B. That petitioner testified that she has two (2) existing lots that face east-west, and that she would like to reconfigure both lots to remain relatively the same size but facing north-south.
- C. That petitioner testified that the lot reconfiguration would allow proposed Lot 1 with the existing house to have a backyard behind the existing house, compared to the current configuration, where the "backyard" is to the side/west of the subject house.
- D. That the Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship regarding the subject zoning relief to

divide/reconfigure the two (2) existing lots and that the reasoning for the proposed zoning relief to reconfigure the lots is purely an economic reasoning.

**STANDARDS FOR VARIATIONS:**

*\*Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That Hearing Officer finds that petitioner **has not demonstrated** evidence that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations for a Variation request.
3. That Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not impair the supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not increase hazards from fire or other dangers.
  - c. Diminish the value of land and buildings throughout the County, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not diminish the value of land throughout the County.
  - d. Unduly increase traffic congestion in the public streets and highways, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not unduly increase traffic congestion.
  - e. Increase the potential for flood damages to adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not increase the potential for flood damages.
  - f. Incur additional public expense for flood protection, rescue, or relief, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not incur additional public expense for flood protection, rescue, or relief.
  - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, as petitioner **has not demonstrated** evidence that the proposed lot division/reconfiguration will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000021 Malinin</b>
<b>ZONING REQUEST</b>	<ol style="list-style-type: none"> <li>Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2.</li> <li>Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2.</li> </ol>
<b>OWNER</b>	JERRY & MARGARET MALININ, 15W730 90 <sup>TH</sup> STREET, BURR RIDGE, IL 60527
<b>ADDRESS/LOCATION</b>	15W730 90 <sup>TH</sup> STREET, BURR RIDGE, IL 60527
<b>PIN</b>	10-01-101-010/ 10-01-101-011
<b>TWSP./CTY. BD. DIST.</b>	DOWNERS GROVE      DISTRICT 3
<b>ZONING/LUP</b>	R-1 SF RES      0-5 DU AC
<b>AREA</b>	1.59 ACRES (69,260 SQ. FT.)
<b>UTILITIES</b>	WELL/SEWER
<b>PUBLICATION DATE</b>	Daily Herald: MAY 22, 2023
<b>PUBLIC HEARING</b>	WEDNESDAY, JUNE 7, 2023
<b>ADDITIONAL INFORMATION:</b>	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "We are the sanitary sewer provider – connection to our sanitary sewer will require a permit from our department."
<b>EXTERNAL:</b>	
Village of Burr Ridge:	(See attached documentation)
City of Darien:	No Objections.
Village of Willowbrook:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Tri-State Fire Dist.:	No Objections.
Sch. Dist. 180:	No Objections.

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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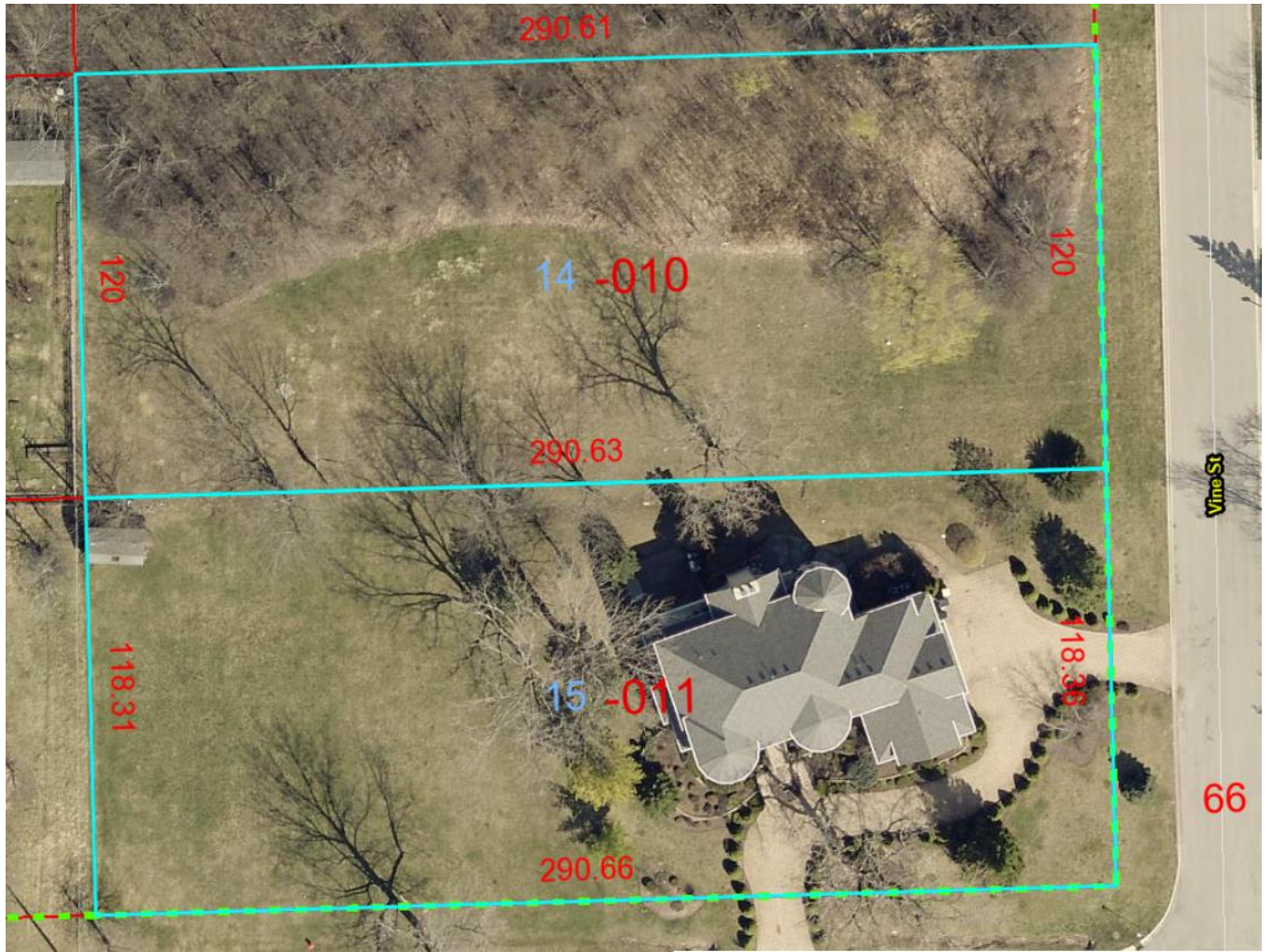
**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	R-1 SF RES	HOUSE	0-5 DU AC
South	90 <sup>TH</sup> STREET AND BEYOND VILLAGE OF BURR RIDGE	HOUSE	VILLAGE OF BURR RIDGE
East	R-1 SF RES AND VILLAGE OF BURR RIDGE	HOUSE	0-5 DU AC/ VILLAGE OF BURR RIDGE
West	R-1 SF RES	HOUSE	0-5 DU AC













June 6, 2023

Jessica Infelise  
DuPage County Building and Zoning Department  
421 North County Farm Rd.  
Wheaton, IL 60187

Via email to [jessica.infelise@dupageco.org](mailto:jessica.infelise@dupageco.org)

Re: Zoning Petition ZONING-23-0000215 Malinin Variation

Dear Ms. Infelise,

On June 5, 2023, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the variations for lot width and lot area for the proposed lot reconfiguration located at 15W730 90<sup>th</sup> St. This site is bounded on the south, east, and northwest by the Village of Burr Ridge.

Since the lots were platted in 1931 and are currently legal, nonconforming in terms of lot width and area, the Village of Burr Ridge did not object to the reconfiguration and associated variations. Please be advised that the Village does not support reconfiguration of the lots if the intention is to avoid payment of the Vine Street Water Recapture fee, Village of Burr Ridge Ordinance 1195.

Should you have any questions, please do not hesitate to contact me directly at [jfarrell@burr-ridge.gov](mailto:jfarrell@burr-ridge.gov) or (630) 654-8181 x 6100.

Sincerely,



Janine Farrell, AICP  
Community Development Director

June 6, 2023

Ms. Jessica Infelise  
DuPage County  
Zoning & Planning  
[Jessica.Infelise@dupageco.org](mailto:Jessica.Infelise@dupageco.org)

RE: Zoning Petition 23-000021 Malinin  
Public Hearing; 2:30 pm, June 7, 2023  
Building & Zoning Conference Room  
421 N. County Farm Road, Wheaton, IL

I have been chosen by my neighbors to register with the DuPage County Building & Zoning Department our unanimous collective disapproval of the subject Zoning Petition 23-000021 Malinin.

We all have property within 300' of the two subject lots in the petition and we firmly believe we will all be negatively impacted by the proposed re -subdivision.

We as a group do not want the subject two existing lots revised as the Petitioner has requested.

We want the subject existing lots to remain the same size dimensionally and the same orientation as they have been since they were originally sub-divided in 1929 as Urban's Oakdale Manor as Lot 14 and Lot 15.

Sincerely,

Mr. Joseph & Mrs. Laura Pizzuto  
10S231 S. Vine Street  
Burr Ridge, IL 60527

Dr. Priscilla & Mr. Kenneth Ware  
10S265 S. Vine Street  
Burr Ridge, IL 60527

Mr. Arnold & Mrs. Stephanie Muzzarelli  
15W660 90<sup>th</sup> Street  
Burr Ridge, IL 60527

Dr. Tamaji & Mrs. Sucheta Kulkarni  
15W700 90<sup>th</sup> Street  
Burr Ridge, IL 60527



Mrs. Pamela Styka  
15W731 90<sup>th</sup> Street  
Burr Ridge, IL 60527



Mrs. Lois Scolli Jacobs  
15W770 90<sup>th</sup> Street  
Burr Ridge, IL 60527













## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0032-23

**Agenda Date:** 8/1/2023

**Agenda #:** 6.C.

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**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: July 13, 2023

RE: **ZONING-23-000028 Catie's Place, LLC. (York/District 2)**

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**Development Committee: August 1, 2023:**

**Zoning Board of Appeals Meeting: July 13, 2023:** The Zoning Board of Appeals recommended to deny following zoning relief:

Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces.

**ZBA VOTE (to Deny): 4 Ayes, 2 Nays, 1 Absent**

**DISSENTING OPINION:** That the two (2) dissenting Zoning Board of Appeals members find that petitioner presented sufficient evidence to support a Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces.

**FINDINGS OF FACT:**

1. That petitioner testified that he seeks the subject zoning relief to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces in the subject shopping center.
2. That petitioner testified that a Class A Restaurant requires 15 parking spaces per 1,000 square feet and that for the subject 1,200 sq. ft. unit/use, the required parking spaces would be 18.75.
  - a. That petitioner testified that the subject property includes 43 existing parking spaces and that the subject property with all units included, would require approximately 51.75 parking spaces.

3. That petitioner testified that the proposed use will not be a full restaurant with sit-down menu/reservations and that the proposed use would be considered a tavern (light food and alcoholic/non-alcoholic beverages) with a video gaming parlor.
  - a. That petitioner testified that in order to allow for video gaming, a liquor license is required by the State of Illinois, and that under the DuPage County Zoning Ordinance, the proposed use would fall under a Class A Restaurant.
  - b. That petitioner testified that the requirements for a Class A Restaurant are not applicable and are excessive when applied to the specific subject business use as a tavern with video gaming.
4. That petitioner testified that the proposed use will be operated by a one-person staff and at full capacity at other locations, there is seldomly more than seven people in the establishment.
5. That petitioner testified the existing uses in the shopping center include a beauty salon, State Farm insurance agency, a dentist office, and an ATI Physical Therapy office.
  - a. Furthermore, that petitioner testified that all of the businesses are closed by 6:00 PM with some closed by 5:00 PM.
6. That petitioner testified that the applicant, Catie's Place, will have uncontested use of the existing 43 parking spaces in the subject shopping center on Saturday and Sunday.
  - a. That petitioner testified that the busiest hours (hour-by-hour volume per day) is between 5:00 PM – 8:00 PM, and three businesses in the shopping center are closed during this time, further showing uncontested use of the existing 43 parking spaces.
7. That the Zoning Board of Appeals finds that petitioner has not demonstrated a practical difficulty, particular hardship, or unique circumstance in relation to the Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces.

**STANDARDS FOR VARIATIONS:**

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** the granting of the Variation will not:

- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not impact an adequate supply of light and air to the adjacent properties.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not increase the hazard from fire or other dangers to said property.
- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not diminish the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or presented sufficient evidence that the proposed reduction in parking spaces for a Class A Restaurant would not impair the public health, safety, comfort, morals, or general welfare of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

**GENERAL ZONING CASE INFORMATION**

<b>CASE #/PETITIONER</b>	<b>ZONING-23-000028 Catie's Place, LLC.</b>	
<b>ZONING REQUEST</b>	Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces.	
<b>OWNER</b>	ROOSEVELT & ADDISON, LLC. / ROSSI REAL ESTATE CORP., 1015 BUTTERFIELD ROAD, DOWNERS GROVE, IL 60515/ AGENT: JESSICA LOWE AND RYAN KOYNAGI, 8313 GRAND AVENUE, RIVER GROVE, IL 60171	
<b>ADDRESS/LOCATION</b>	18W411(18W435) ROOSEVELT ROAD, LOMBARD, IL 60148	
<b>PIN</b>	06-21-106-014	
<b>TWSP./CTY. BD. DIST.</b>	YORK	DISTRICT 2
<b>ZONING/LUP</b>	B-1 LOCAL BUSINESS	LOCAL COMMERCIAL
<b>AREA</b>	0.75 ACRES (32,670 SQ. FT.)	
<b>UTILITIES</b>	WATER/SEWER	
<b>PUBLICATION DATE</b>	Daily Herald: JUNE 14, 2023	
<b>PUBLIC HEARING</b>	THURSDAY, JUNE 29, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	<i>No Comments Received.</i>	
Health:	Objects. (See attached documentation)	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
Village of Villa Park:	<i>No Comments Received.</i>	
Village of Lombard:	"Given that the site has more parking than required by Lombard Village Code for a strip retail center, the Village has no comments on the petition."	
Village of Oak Brook:	<i>No Comments Received.</i>	
City of Oakbrook Terrace	<i>No Comments Received.</i>	
York Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
York Fire Dist.:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "Must comply with current 2021 IFC and Fire District codes."	
Sch. Dist. 45:	<i>No Comments Received.</i>	

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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**LAND USE**

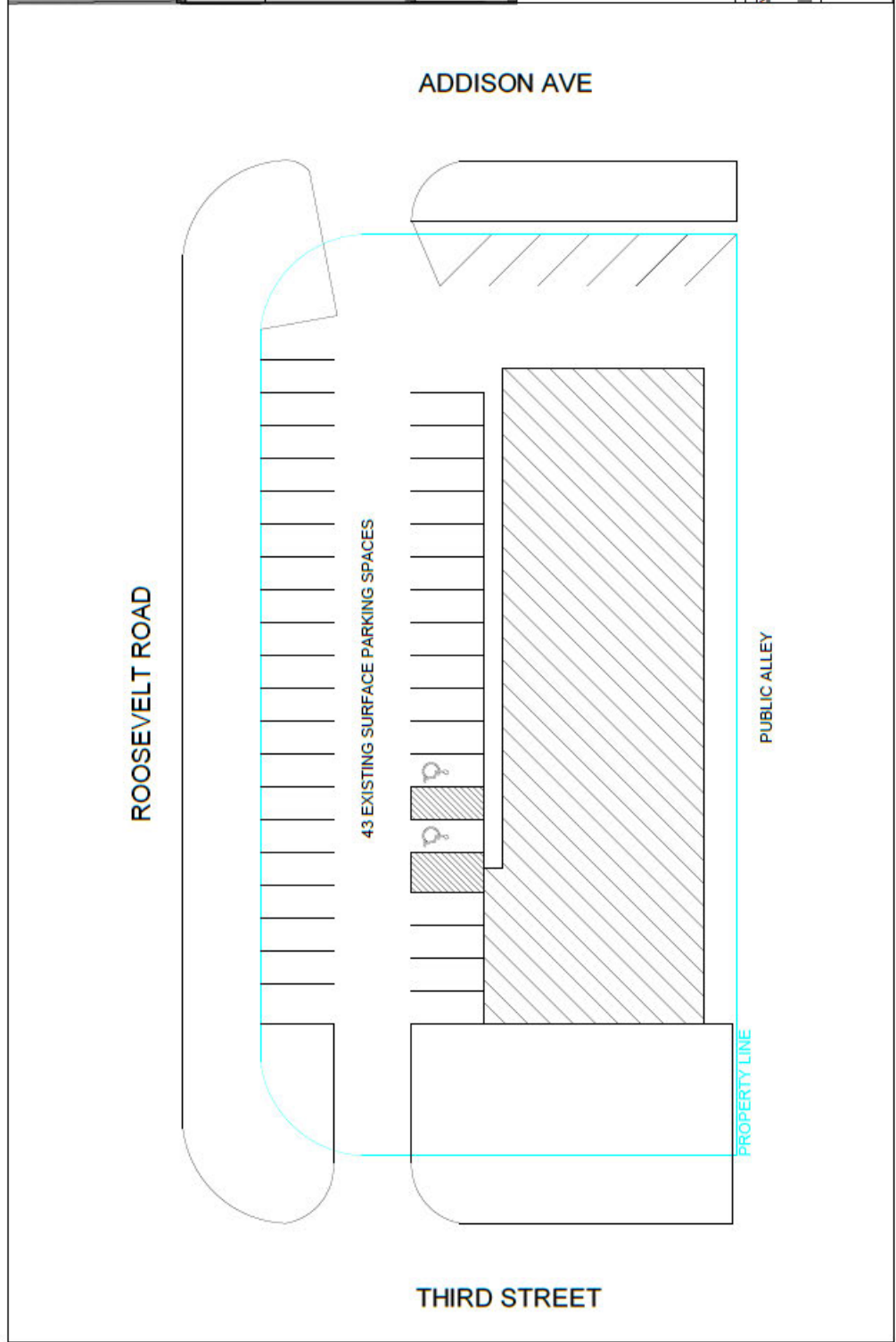
<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
North	ROOSEVELT ROAD AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
South	R-4 SF RES	HOUSE	0-5 DU AC
East	ADDISON AVENUE AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
West	THIRD STREET AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL

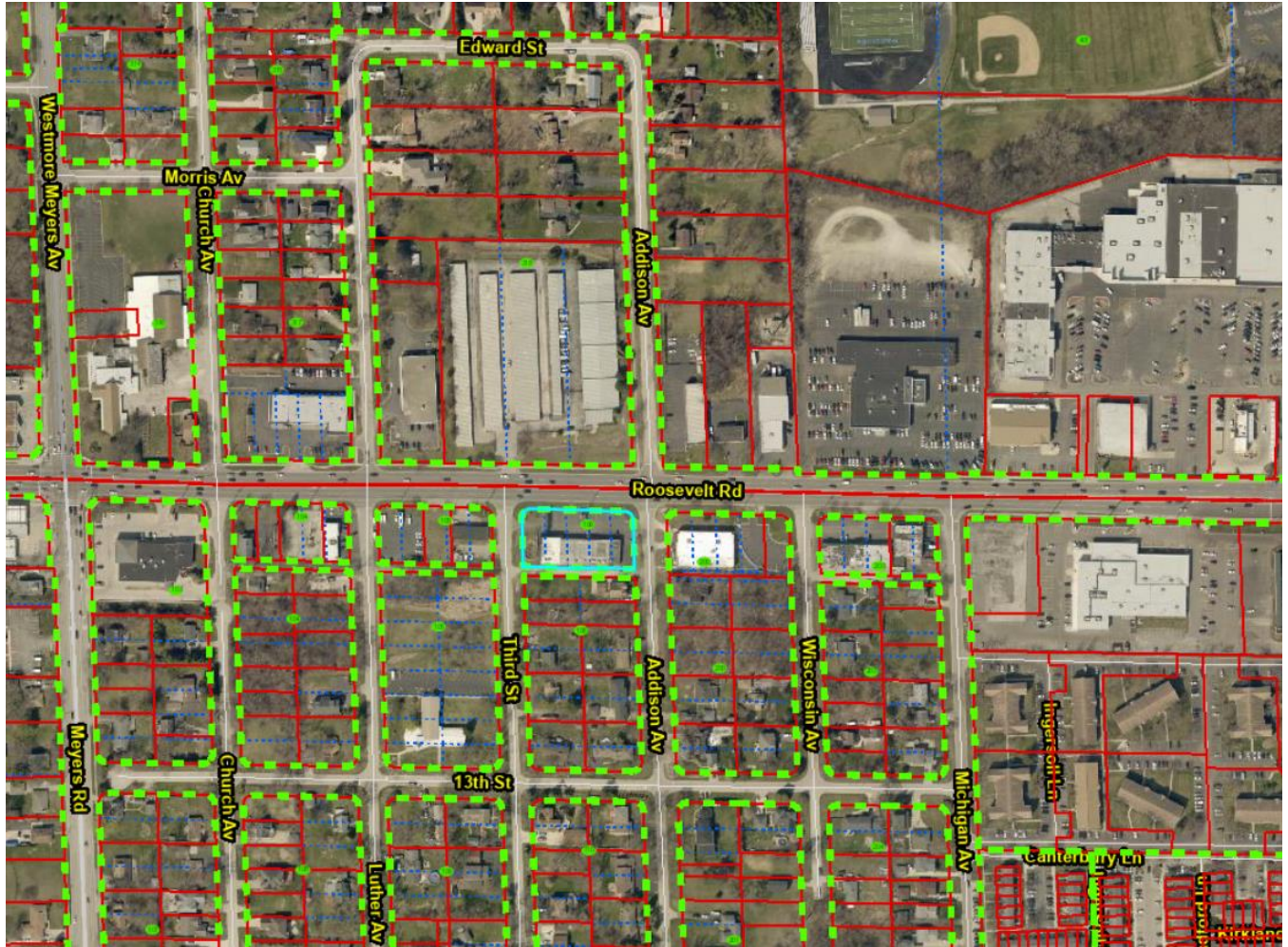
SITE PLAN

1814111 ROOSEVELT ROAD  
LOMBARD, IL 60148  
**PARKING PLAN**

DATE: 4.14.2023

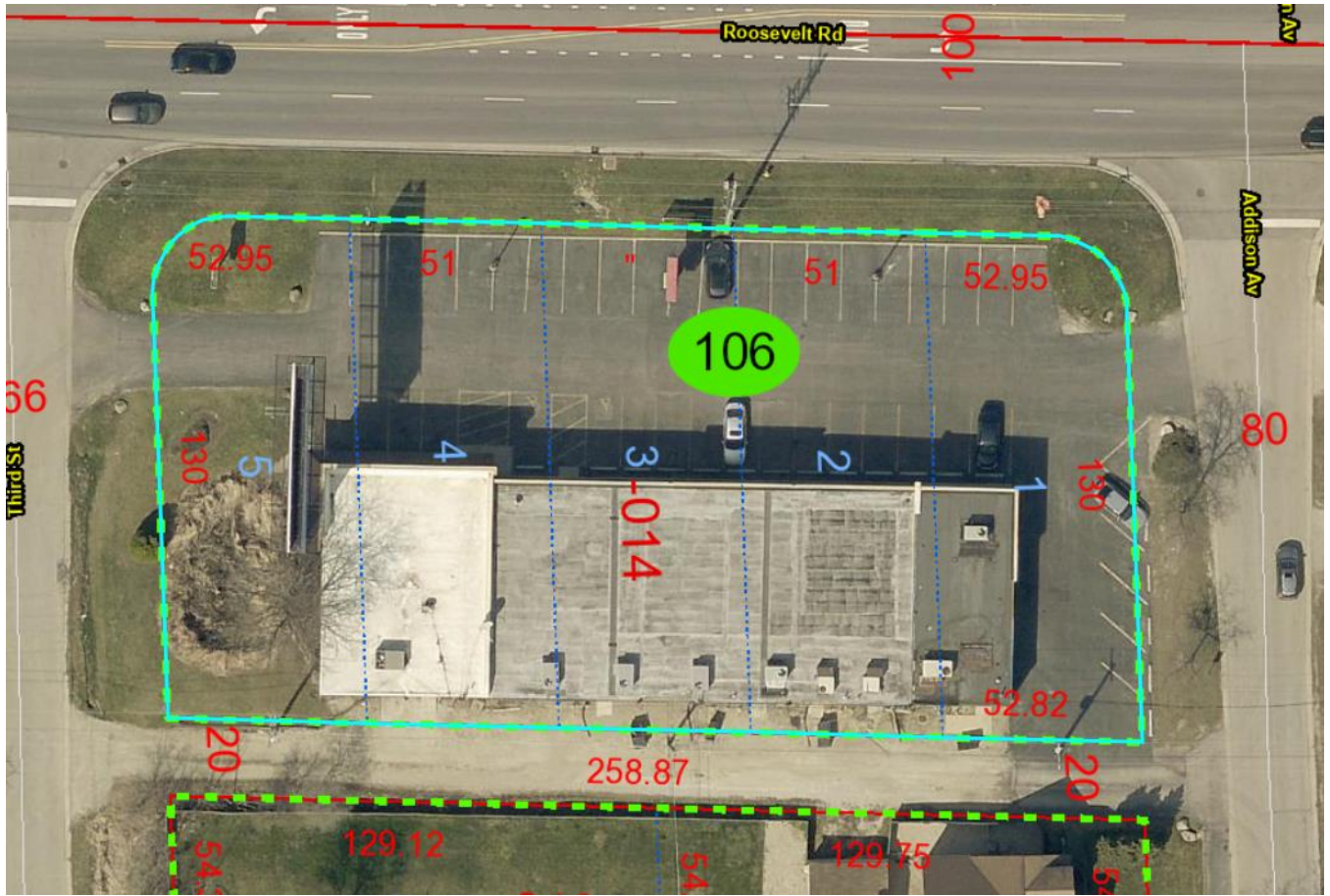
1.0













**EXHIBIT A-1.0**

Applicant Response to Comments from ZBA Hearing 6/29/2023  
Catie's Place LLC Series Lombard  
18w411 Roosevelt Road, Lombard IL

Jessica, (Infelise)

We were hoping to speak more in response to a comment made by the zoning committee during the hearing last week. It was brought up about the possibility of a future tenant using the space for a restaurant and our approved variance causing a conflict with the existing parking.

As stated by a nearby business owner who spoke in support of our request relief, the space the Applicant is looking to occupy is quite small. It wouldn't be likely that a tenant with a full-fledged restaurant use with high in-store seating requirements would be looking to move into a 1,250 square foot space. As you can see from the attached floor plan, after adding the required ADA restrooms and a space for utility/storage/hvac...ect..there is barely 800 square feet for a kitchen and customer dining areas.

Additionally, if someone were to seek a Class A or B Restaurant license in any of the larger units, such as the existing dentist office, state farm, or physical therapy unit, their parking requirements would be in excess of what our requested relief would allow. Below shows what the parking requirements would be for the different classes of Restaurant license in the larger units. Class A/B = 15 spaces per 1,000 SF & Class C = 20 spaces per 1,000 SF.

This shows that a Class A or B license attempting to go into the 3 larger spaces would bring the total required parking spaces for the strip center well above what our requested relief would allow.

SHOPPING PLAZA ROOSEVELT ROAD, LOMBARD IL					
TENANT	UNIT SIZE (SF)	CLASS A/B	CLASS C	REQ. SPACES (CLASS A/B)	REQ. SPACES (CLASS C)
Applicant	1,250	15	20	18.75	25.00
Delicacy Beauty Salon	750	15	20	11.25	15.00
ATI Physical Therapy	3,200	15	20	48.00	64.00
State Farm	1,600	15	20	24.00	32.00
Dentist Office	2,480	15	20	37.20	49.60

We hope this further illustrates that approval of the request relief would not be injurious to the community now or in the future.

Thank you, and we look forward to meeting again on the 13th.



**DUPAGE COUNTY**

Building Division  
Zoning & Planning Division  
Environmental Division

# BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

www.dupageco.org/building

## DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-23-000028 *Catie's Place, LLC.*

Please review the information herein and return with your comments to:  
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at [Jessica.Infelise@dupageco.org](mailto:Jessica.Infelise@dupageco.org) or via facsimile at 630-407-6702 by **JUNE 28, 2023.**

COMMENT SECTION:	
<input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
<input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION	
<input checked="" type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: Objection if the facility is on a septic system as indicated in the petition because the County Septic Code will not allow any new food facilities on a septic system. If this facility is on sewer, then no objection and the petitioner will need to work with the Plan Review section of the Health Department to obtain construction and operating permits.	
SIGNATURE: [REDACTED]	DATE: 6-27-23
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Health	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000028 <i>Catie's Place, LLC.</i>
ZONING REQUEST	Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces.
OWNER	ROOSEVELT & ADDISON, LLC. / ROSSI REAL ESTATE CORP., 1015 BUTTERFIELD ROAD, DOWNERS GROVE, IL 60515/ AGENT: JESSICA LOWE AND RYAN KOYNAGI, 8313 GRAND AVENUE, RIVER GROVE, IL 60171
ADDRESS/LOCATION	18W411(18W435) ROOSEVELT ROAD, LOMBARD, IL 60148
PIN	06-21-106-014
TWSP/CTY. BD. DIST.	YORK DISTRICT 2
ZONING/LUP	B-1 LOCAL BUSINESS LOCAL COMMERCIAL
AREA	0.75 ACRES (32,670 SQ. FT.)
UTILITIES	WATER/SEPTIC
PUBLICATION DATE	Daily Herald: JUNE 14, 2023
PUBLIC HEARING	THURSDAY, JUNE 29, 2023

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0033-23

**Agenda Date:** 8/1/2023

**Agenda #:** 6.D.

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**DUPAGE  
COUNTY**

Building  
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Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: June 28, 2023

RE: **ZONING-23-000030 Bakas (Lisle/ District 2)**

**Development Committee: August 1, 2023:**

**Zoning Hearing Officer: June 28, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-23-000030 Bakas** dated June 28, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**ZHO Recommendation to Approve**

**FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.
- B. That petitioner testified that due to the subject property's unique lot configuration and minimal backyard space, petitioner requires a privacy fence within the 10' corner side yard setback for additional privacy and security due to increased noise, vehicle, and pedestrian traffic.

- C. That petitioner testified that the proposed privacy fence would be located in the last 20' of the subject property.
- D. That petitioner testified that the proposed privacy fence will be an added benefit to the neighborhood and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.
- E. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.
- F. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship in relation to the location and configuration of the subject property, and that that the increase in noise, vehicle, and pedestrian traffic required petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.

**STANDARDS FOR VARIATIONS:**

*\*Per Zoning Code Section 37-1411.3*

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
- 2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed privacy fence will not impair an adequate supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed privacy fence will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed fence.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed privacy fence will not diminish the value of land and buildings throughout the County and will be an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed privacy fence will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.

- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed privacy fence will not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that proposed privacy fence will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** the proposed privacy fence will be an added benefit to the neighborhood, and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.



PETITIONER'S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-23-00030 Bakas</b>
<b>ZONING REQUEST</b>	Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.
<b>OWNER</b>	PETER AND GENELLA BAKAS, 24W461 CLIFF COURT, NAPERVILLE, IL 60540
<b>ADDRESS/LOCATION</b>	24W461 CLIFF COURT, NAPERVILLE, IL 60540
<b>PIN</b>	08-09-309-013
<b>TWSP./CTY. BD. DIST.</b>	LISLE   DISTRICT 2
<b>ZONING/LUP</b>	R-4 SF RES   0-5 DU AC
<b>AREA</b>	0.21 ACRES (9,148 SQ. FT.)
<b>UTILITIES</b>	WATER AND SEWER
<b>PUBLICATION DATE</b>	Daily Herald: JUNE 13, 2023
<b>PUBLIC HEARING</b>	WEDNESDAY, JUNE 28, 2023
<b>ADDITIONAL INFORMATION:</b>	
Building:	No Objections.
DUDOT:	<i>No Comments Received.</i>
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
<b>EXTERNAL:</b>	
City of Naperville:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. "The subject property is not located within the Village of Lisle's boundary agreement."
Village of Woodridge	<i>No Comments Received.</i>
Lisle Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Lisle-Woodridge Fire Dist.:	"N/A"
Sch. Dist. 203:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	RIDGEVIEW LANE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOA/VACANT	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	PARK MEADOW DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC









**Sent:** Wednesday, June 28, 2023 9:19 AM  
**To:** Infelise, Jessica  
**Subject:** Zoning petition 23-000030 Bakas

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello,

My only concern is if any blind spot when a car is turning onto Park Meadow Dr. Not sure if this was taken into consideration? There is another neighbor probably grandfathered in where there 6 ft Privacy fence has a large blind spot on Arrow Ct and Park Meadow Dr. Maybe more than this current zoning petition.

Thank you,  
Dave



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0034-23

**Agenda Date:** 8/1/2023

**Agenda #:** 6.E.

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**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: June 28, 2023

RE: **ZONING-23-000031 Eiternick (Addison/ District 1)**

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**Development Committee: August 1, 2023:**

**Zoning Hearing Officer: June 28, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000031 Eiternick** dated June 28, 2023.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.

5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

### **ZHO Recommendation to Approve**

#### **FINDINGS OF FACT:**

- A. That petitioner testified that the subject zoning relief is to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years.
- B. That petitioner testified that they have lived at the subject property since approximately 2013.
- C. That petitioner testified that the subject deck has existed prior to 2013.
- D. That petitioner testified that the subject deck is in great condition.
- E. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief to allow an existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

#### **STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the existing deck does not impact or impair the supply of light and air to adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the existing deck and that it was built pursuant to the current DuPage County building codes.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing deck does not diminish the value of land and that the adjacent neighbors do not object to the deck.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing deck is located behind the front wall of the home and does not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the existing deck.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the existing deck.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing deck does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

**PETITIONER'S DEVELOPMENT FACT SHEET**

**GENERAL ZONING CASE INFORMATION**

<b>CASE #/PETITIONER</b>	<b>ZONING-23-000031 Eiternick</b>		
<b>ZONING REQUEST</b>	Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years.		
<b>OWNER</b>	KENNETH AND TARA EITERNICK, 3N426 HOWARD STREET, ELMHURST, IL 60126		
<b>ADDRESS/LOCATION</b>	3N426 HOWARD STREET, ELMHURST, IL 60126		
<b>PIN</b>	03-25-115-021		
<b>TWSP./CTY. BD. DIST.</b>	ADDISON	DISTRICT 1	
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC	
<b>AREA</b>	0.21 ACRES (9,148 SQ. FT.)		
<b>UTILITIES</b>	WATER AND SEWER		
<b>PUBLICATION DATE</b>	Daily Herald: JUNE 13, 2023		
<b>PUBLIC HEARING</b>	WEDNESDAY, JUNE 28, 2023		
<b>ADDITIONAL INFORMATION:</b>			
Building:	No Objections.		
DUDOT:	<i>No Comments Received.</i>		
Health:	Our office has no jurisdiction in this matter.		
Stormwater:	No Objections.		
Public Works:	Our office has no jurisdiction in this matter.		
<b>EXTERNAL:</b>			
City of Elmhurst:	<i>No Comments Received.</i>		
Village of Bensenville:	<i>No Comments Received.</i>		
Addison Township:	<i>No Comments Received.</i>		
Township Highway:	<i>No Comments Received.</i>		
Bensenville Fire Dist.:	<i>No Comments Received.</i>		
Sch. Dist. 205:	<i>No Comments Received.</i>		
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."		

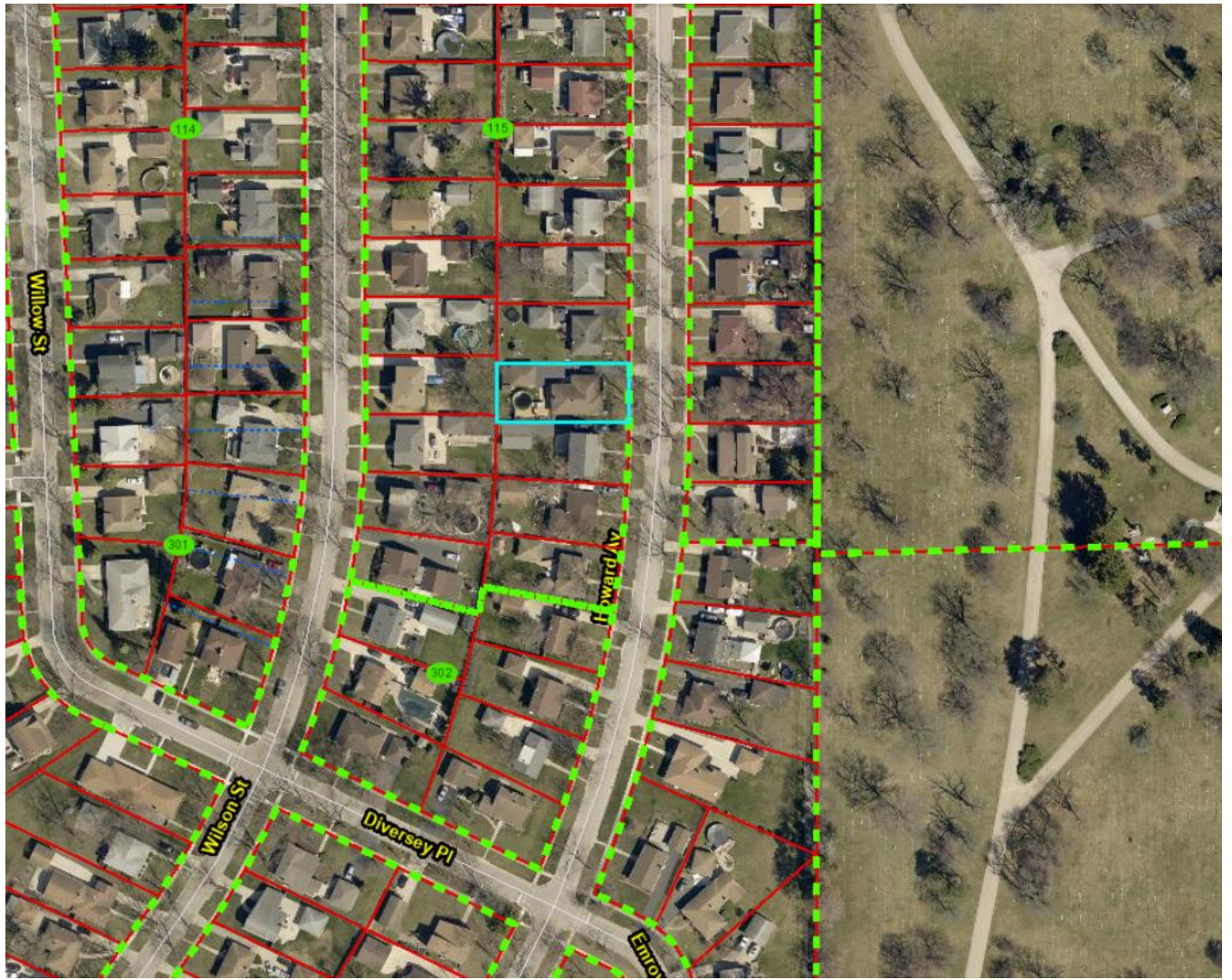
**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Int. Side Yard:	3 FT	APPROX. 1 FT	APPROX. 1 FT

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	HOWARD AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC











June 15, 2023

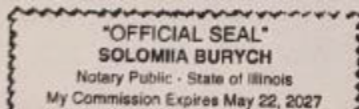
DuPage County  
Attn: Zoning & Building  
421 N. County Farm Rd.  
Wheaton, IL 60187  
Re: Case #: DuPage County - ZONING-23-000031 Eiternick

To whom it may concern:

My name is Jeffrey Krause and I am married to Cynthia Krause. We live at 3N418 N. Howard Ave., Elmhurst, 60126. We are direct neighbors to the south of Ken & Tara Eiternick, who live at 3N426 N. Howard Ave., Elmhurst 60126. We have lived here since 1994. I am writing this letter on behalf of Ken & Tara Eiternick to support the approval of the zoning variance for conditional use regarding their deck and the requirements about the property line.

The current deck/fencing cited in this case was built in the early 2000s. We have never had a concern or issue with the current structure since it was built. The deck/fence is not a hazard to our property or our dwelling. We have no complaints or objections to this structure remaining on their property as is. We would like to see Ken & Tara live in their home for 28 years as my wife and I have. They are great neighbors and add to the sense of community in our neighborhood. We respectfully request that the conditional use variance be approved in this case.

Please let me know if there is anything else that we can do to support this request to approve the variance.



Thanks,

Jeffrey Krause

Signature: \_\_\_\_\_

Date: 6-16-2023



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0035-23

**Agenda Date:** 8/1/2023

**Agenda #:** 6.F.

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**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: July 11, 2023

RE: **ZONING-23-000040 JB CAPITAL MANAGEMENT, LLC.  
(Downers Grove/ District 3)**

---

**Development Committee: August 1, 2023:**

**DuPage County Zoning Board of Appeals: July 11, 2023:** The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use with exceptions for the existing buildings and improvements:

1. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'.
2. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'.
3. Exception to allow parking in existing 40' corner side yard on proposed Lot 1.
4. Exception to allow parking in existing 20' interior side yard on proposed Lot 1.
5. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'.
6. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000040 JB CAPITAL MANAGEMENT, LLC.** dated July 11, 2023.
2. That the Conditional Use zoning relief shall expire after two (2) years from the date of approval of the subject zoning relief by the DuPage County Board if the proposed assessment plat is not recorded or upon one of the following circumstances, whichever shall come first:

- a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
  4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent**

**FINDINGS OF FACT:**

1. That petitioner testified that the requested zoning relief is for the subject 2.29-acre site with two (2) existing industrial buildings containing two (2) businesses, including Haus of Imports (high-end vehicle storage/sales) and D&B Fabricators (steel container fabricator).
2. That petitioner testified that Jeans Road was widened in 1992 causing the subject property to be legal non-conforming due to the building and parking setbacks.
3. That petitioner testified that they do not propose any new improvements or changes to the existing property and that the purpose for the requested zoning relief is to reconfigure the subjects lots so that the two (2) existing buildings are on their own parcels rather than bisected by three (3) different parcel numbers.
4. That petitioner testified that he would complete the proposed lot reconfiguration through an assessment plat.
5. That petitioner testified that his original zoning request was for Variations to reduce the existing setbacks and that at the time of the public hearing he withdrew his original request and amended his petition to convert the Variations to Conditional Uses with Exceptions, which is considered a “lesser zoning relief” and therefore does not require republishing/re-notice of the petition.
6. That the Zoning Board of Appeals finds that petitioner has demonstrated sufficient evidence for the requested zoning relief, as petitioner has proposed to reconfigure the existing three (3) parcels to allow the two (2) existing buildings to each be located on their own parcel and that due to the expansion of Jeans Road in 1992, the subject property does not meet the current setback requirements for the I-1 Light Industrial Zoning District.

**STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not impair an adequate supply of light and air to the adjacent properties as no alteration or new improvements will result from the requested exceptions.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the hazard from fire or other dangers to said properties as no alteration or new improvements will result from the requested exceptions.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not diminish the value of land and buildings throughout the County as no alteration or new improvements will result from the requested exceptions.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not unduly increase traffic congestion in the public streets and highways as no alteration or new improvements will result from the requested exceptions.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the potential for flood damages to adjacent properties as no alteration or new improvements will result from the requested exceptions.
  - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not incur additional public expense for flood protection, rescue, or relief as no alteration or new improvements will result from the requested exceptions.
  - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not impair the public health, safety, comfort, morals or general welfare as no alteration or new improvements will result from the requested exceptions.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000040 J B CAPITAL MANAGEMENT, LLC.</b>
<b>ZONING REQUEST</b>	Conditional Use with exceptions for the existing buildings and improvements: 7. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'. 8. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'. 9. Exception to allow parking in existing 40' corner side yard on proposed Lot 1. 10. Exception to allow parking in existing 20' interior side yard on proposed Lot 1. 11. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'. 12. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'.
<b>OWNER</b>	J B CAPITAL MANAGEMENT, LLC. (JOHN DEYOUNG), 16W065 JEANS ROAD, LEMONT, IL 60439/ AGENT: MICHAEL M. ROTH, 2300 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613
<b>ADDRESS/LOCATION</b>	16W065 JEANS ROAD, LEMONT, IL 60439
<b>PIN</b>	10-11-204-048/10-11-204-052/ 10-11-204-047
<b>TWSP./CTY. BD. DIST.</b>	DOWNERS GROVE                      DISTRICT 3
<b>ZONING/LUP</b>	I-1 LIGHT INDUSTRIAL              INDUSTRIAL LOW
<b>AREA</b>	2.29 ACRES (99,752 SQ. FT.)
<b>UTILITIES</b>	WELL/SEPTIC
<b>PUBLICATION DATE</b>	Daily Herald: June 26, 2023
<b>PUBLIC HEARING</b>	TUESDAY, July 11, 2023
<b>ADDITIONAL INFORMATION:</b>	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections.
Public Works:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "We are the sewer and water provider for the area."
<b>EXTERNAL:</b>	
Village of Burr Ridge:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Tr-State Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 180:	<i>No Comments Received.</i>

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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**GENERAL BULK REQUIREMENTS LOT 1:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	40 FT	APPROX. 0 FT	APPROX. 0 FT
Int. Side Yard:	20 FT	APPROX. 0 FT	APPROX. 0 FT
Corner Side Yard:	40 FT	APPROX. 5 FT	APPROX. 5 FT
Rear Yard:	20 FT	APPROX. 14.53 FT	APPROX. 14.53 FT

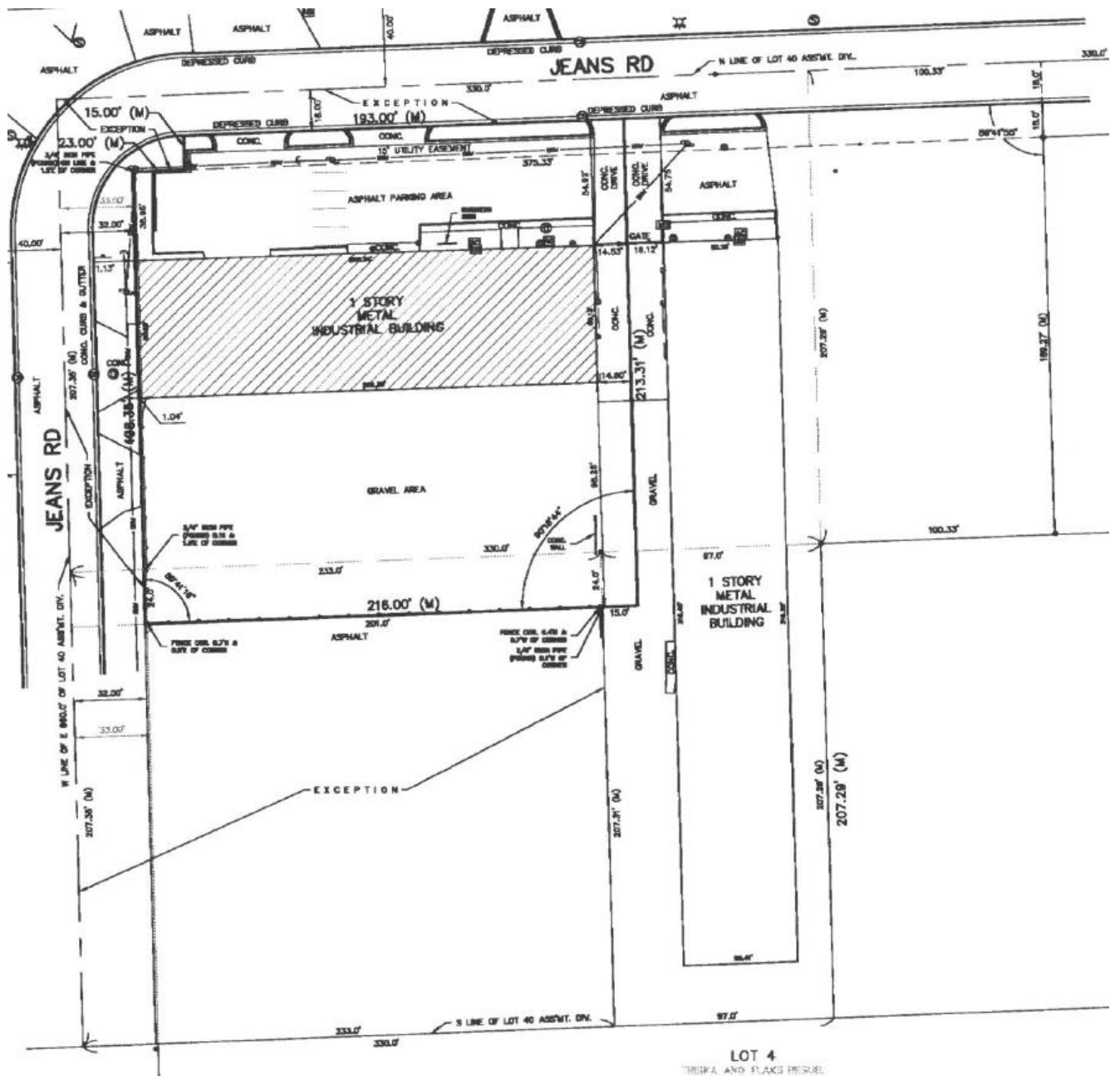
**GENERAL BULK REQUIREMENTS LOT 2:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	40 FT	APPROX. 45 FT	APPROX. 45 FT
Int. Side Yard:	20 FT	APPROX. 16.12 FT	APPROX. 16.12 FT
Int. Side Yard:	20 FT	APPROX. 15 FT	APPROX. 15 FT
Rear Yard:	20 FT	APPROX. 25 FT	APPROX. 25 FT

**LAND USE**

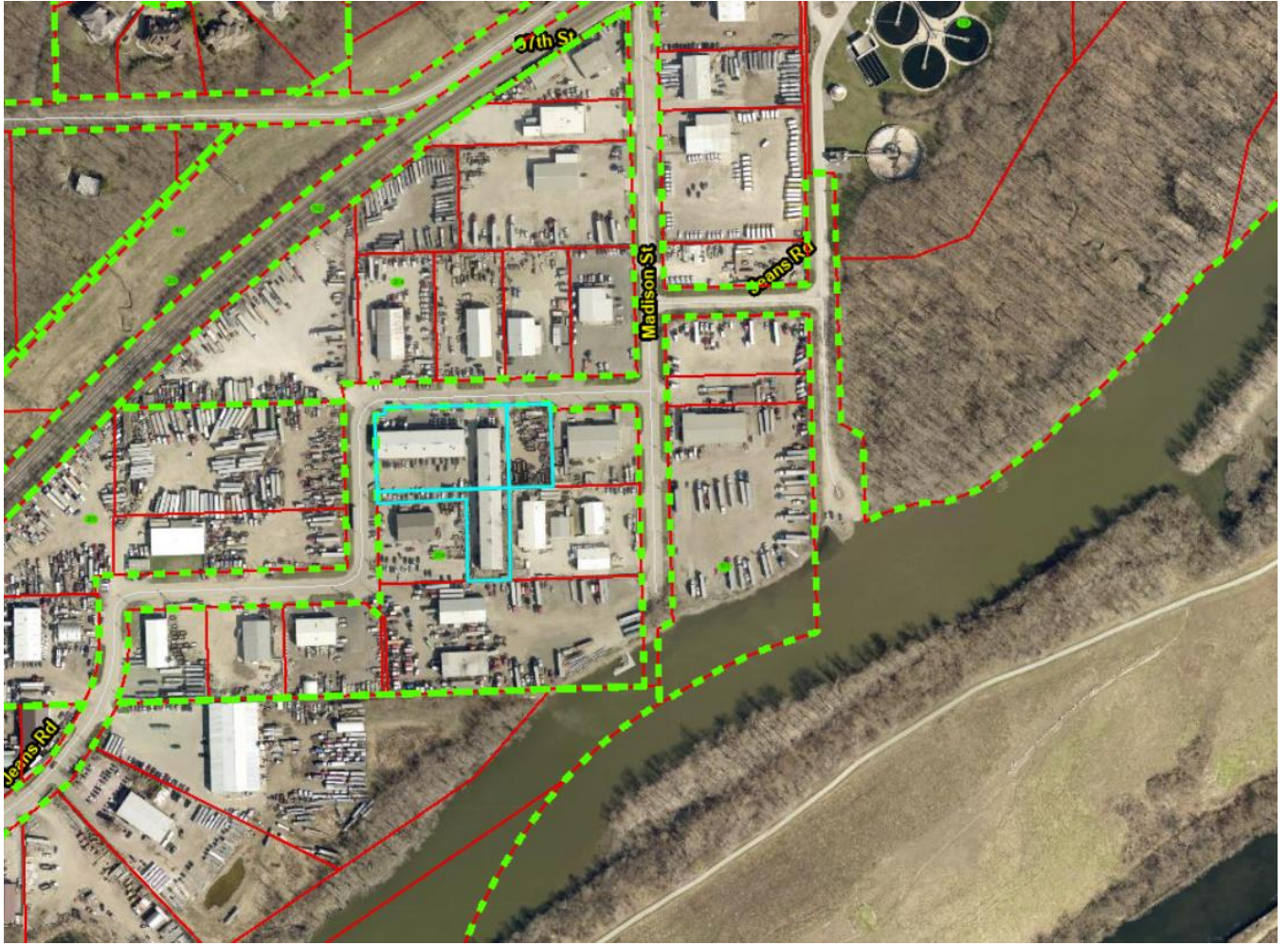
<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
North	Jeans Road and beyond I-1 Light Industrial	Industrial	INDUSTRIAL LOW
South	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
East	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
West	Jeans Road and beyond I-1 Light Industrial	Industrial	INDUSTRIAL LOW

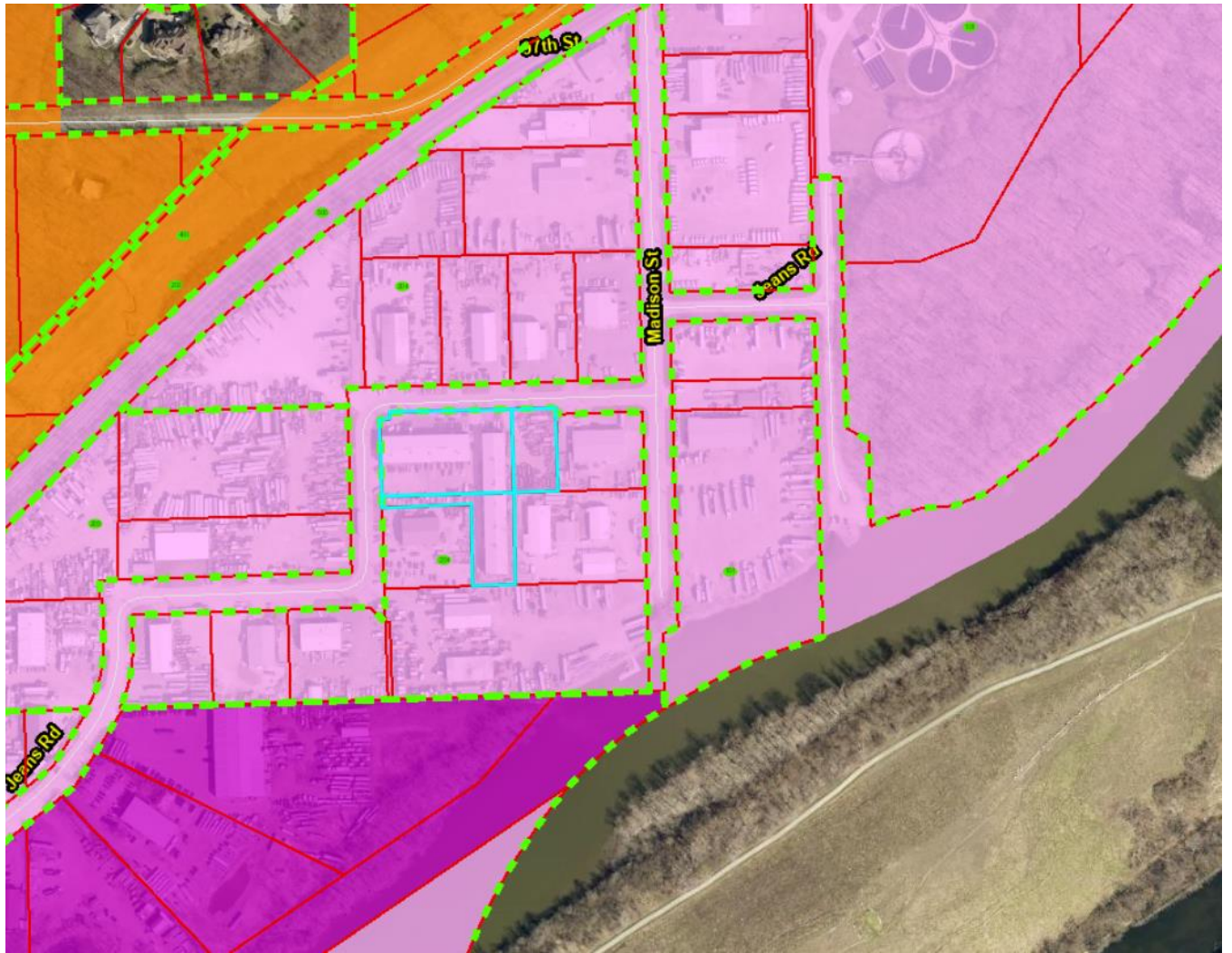


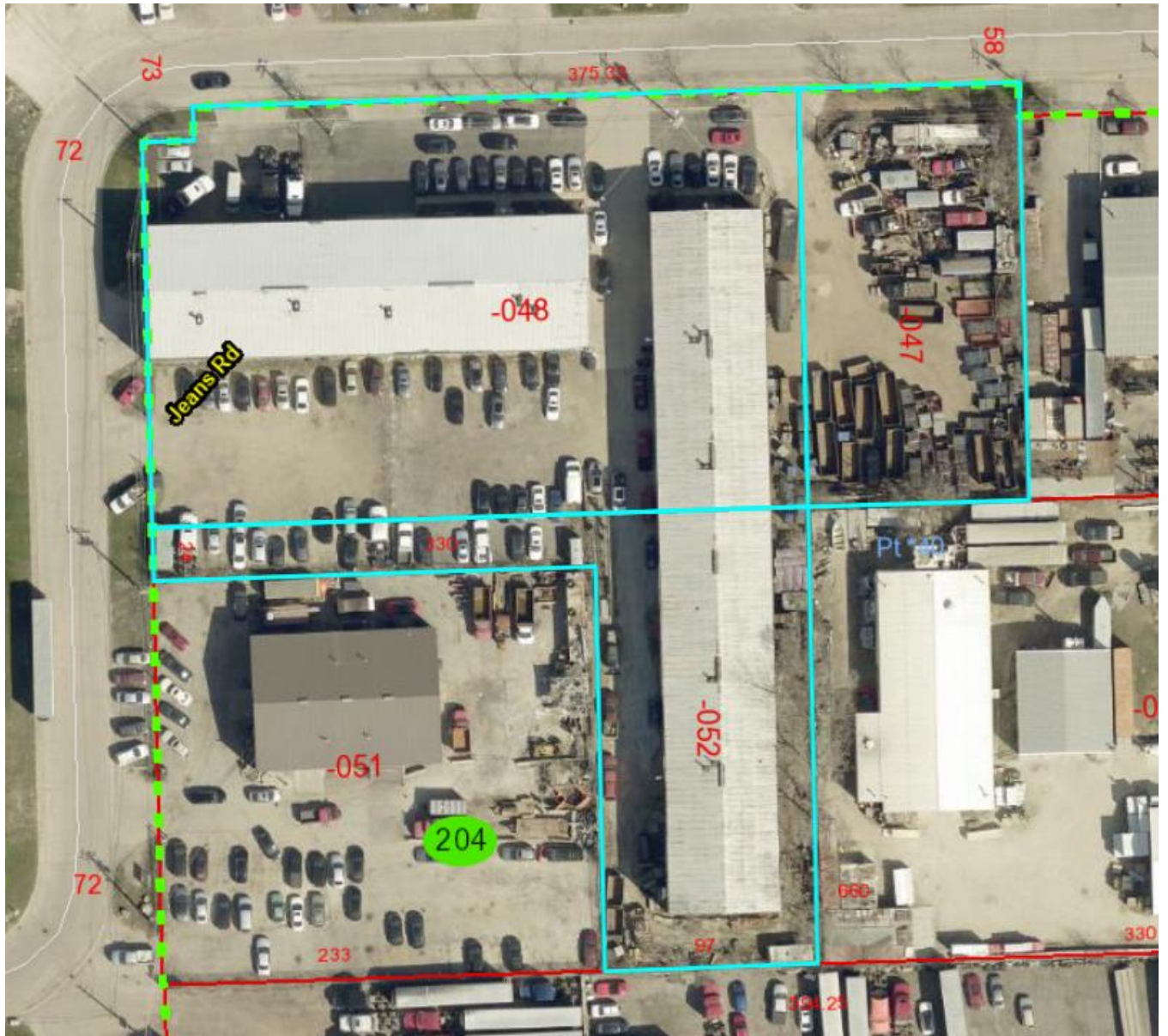












### Zoning Application Narrative

The subject site is 2.291 acres zoned I-1, fully developed with two (2) 1-story industrial buildings. Jeans Road was widened in 1992, and the site is legal non-conforming due to setbacks. Applicant does not propose any new improvements or changes to existing improvements. For purposes of sale, Applicant is applying to DuPage County for:

1. Conditional Use status in the I-1 zoning district with exceptions for the existing buildings and improvements described and detailed in the application and exhibits; subject to the following conditions:
  - a. Standard Zoning Board of Appeals conditions; and
  - b. The conditional use zoning relief shall be tied to the approved site plan; and
  - c. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
2. The site approval shall be by the approval of "parcels" by assessment plats, as shown in the draft site plan, and subdivision/assessment and survey plats submitted, each parcel being improved with the existing, single building, as depicted on attached ALTA Lot 1 and ALTA Lot 2 surveys.

The exceptions for which approval is requested are from the current yard setback standards under Section 37-1001.4 of the County Zoning Code:

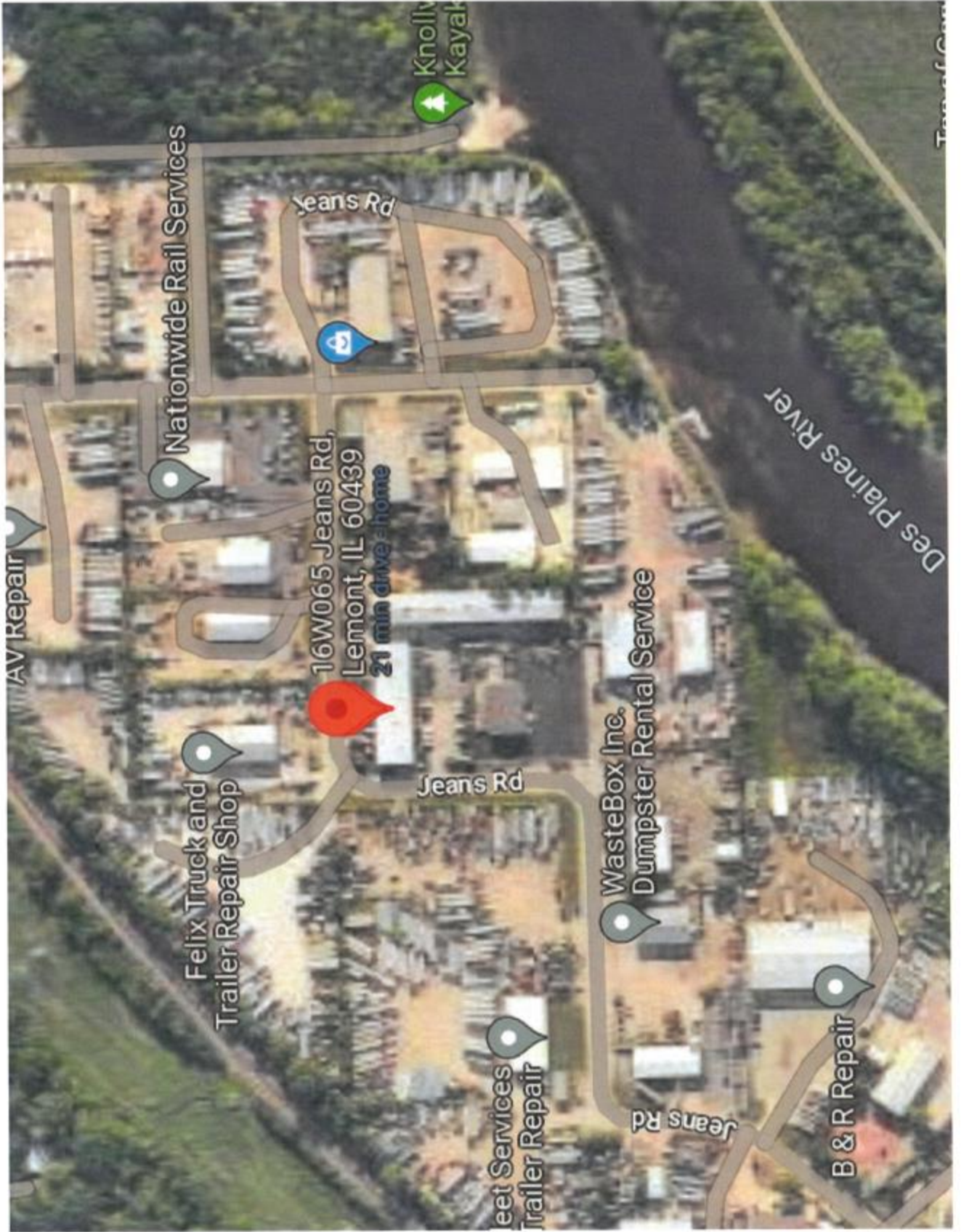
1. An exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to 0'.
2. An exception from 20' required rear yard setback on proposed Lot 1 to 14.53'.
3. An exception to allow parking in existing 20' interior side yard on proposed Lot 1.
4. An exception from 20' required interior side yard setback on proposed Lot 2 to 16.12'.

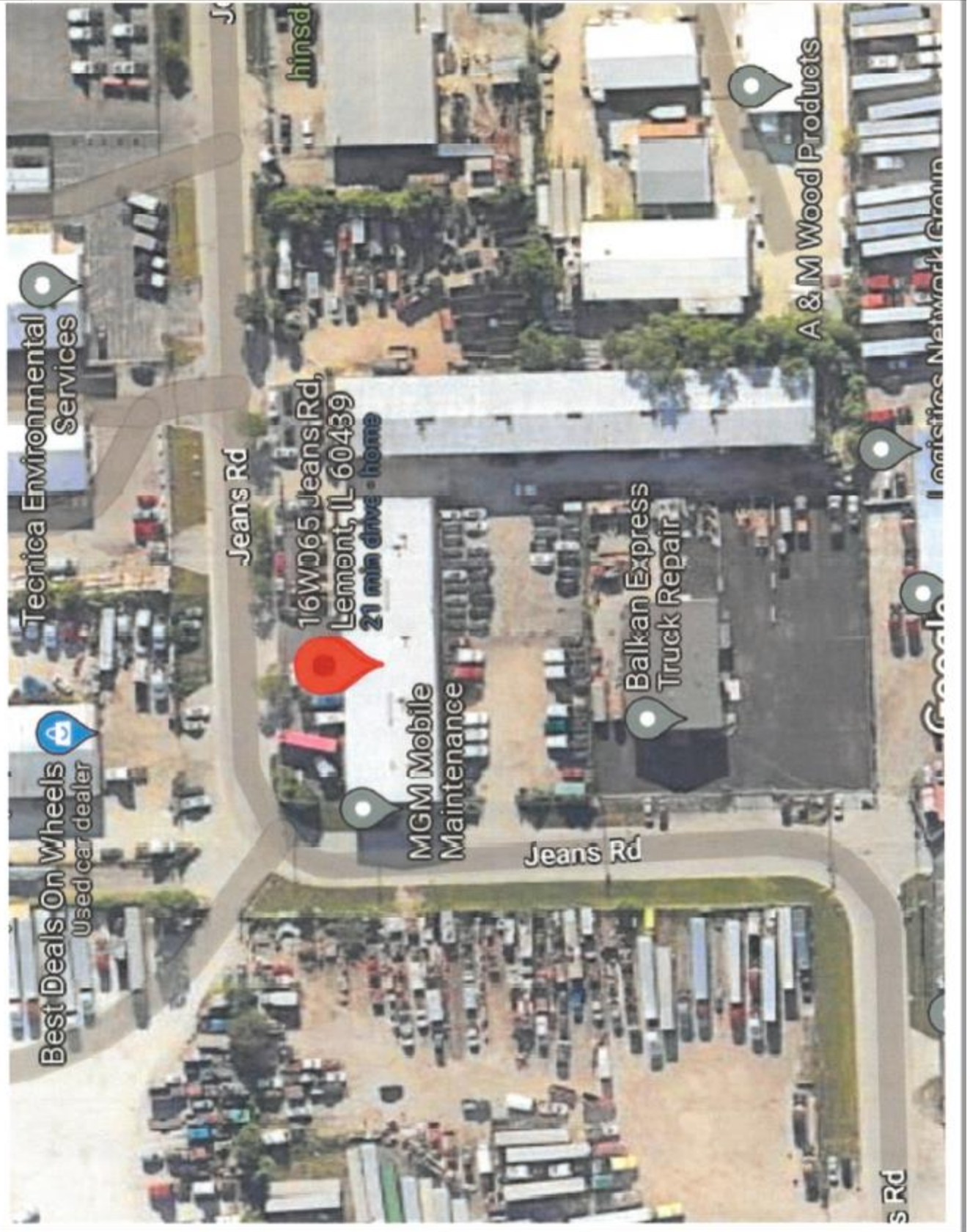
The exceptions, if granted will not:

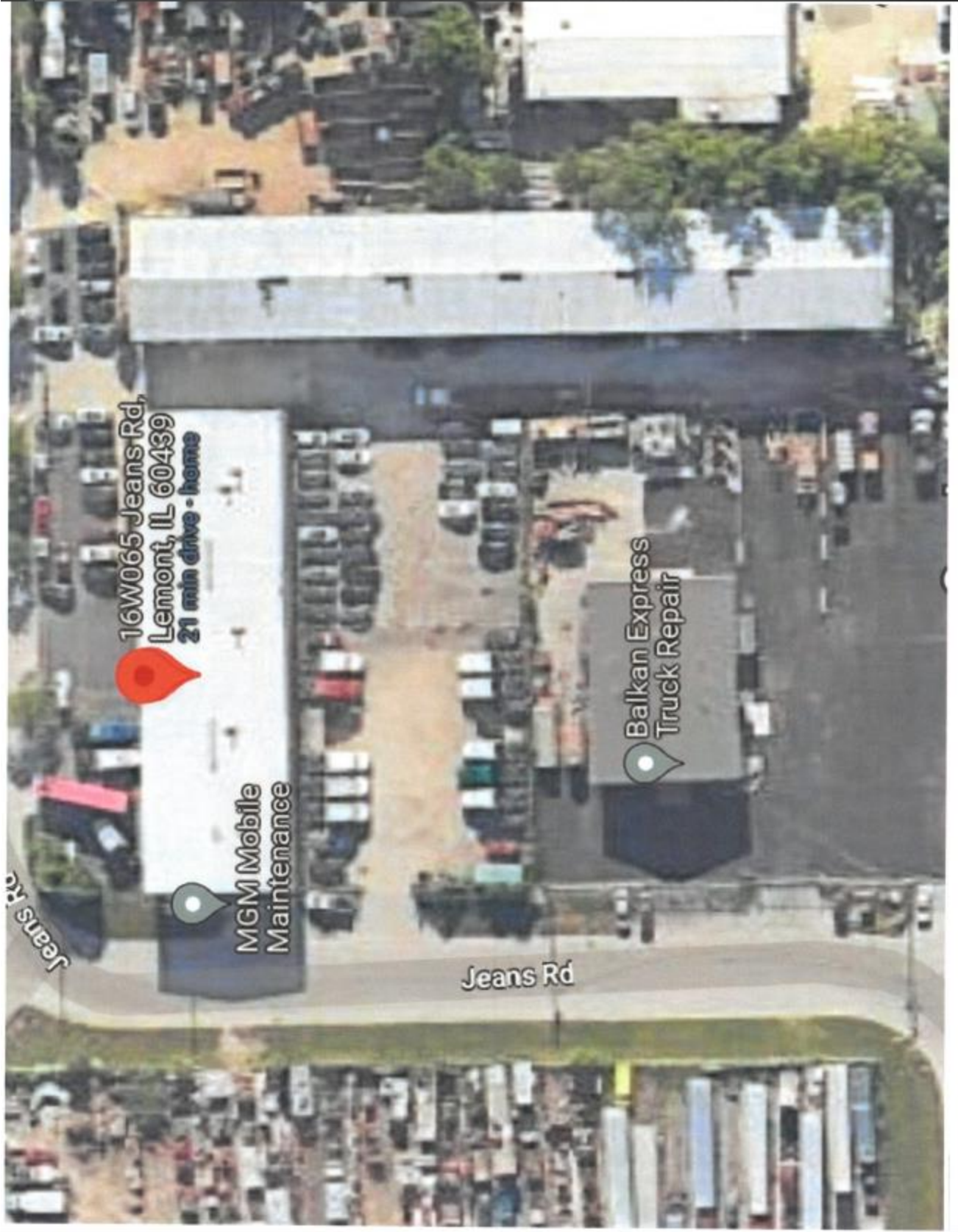
- impair an adequate supply of light and air to the adjacent property. No alteration or new improvements will result from the requested exceptions.
- increase the hazard from fire or other dangers to said property. No alteration or new improvements will result from the requested exceptions.
- diminish or have any effect on the value of land and buildings throughout the County.

- unduly increase or have any effect on traffic congestion in the public streets and highways.
- increase the potential for flood damages to adjacent property. No alteration or new improvements will result from the requested exceptions.
- Incur additional public expense for flood protection, rescue or relief. No alteration or new improvements will result from the requested exceptions.
- otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County. The subject site is fully improved and no alteration or new improvements will result from the requested exceptions.

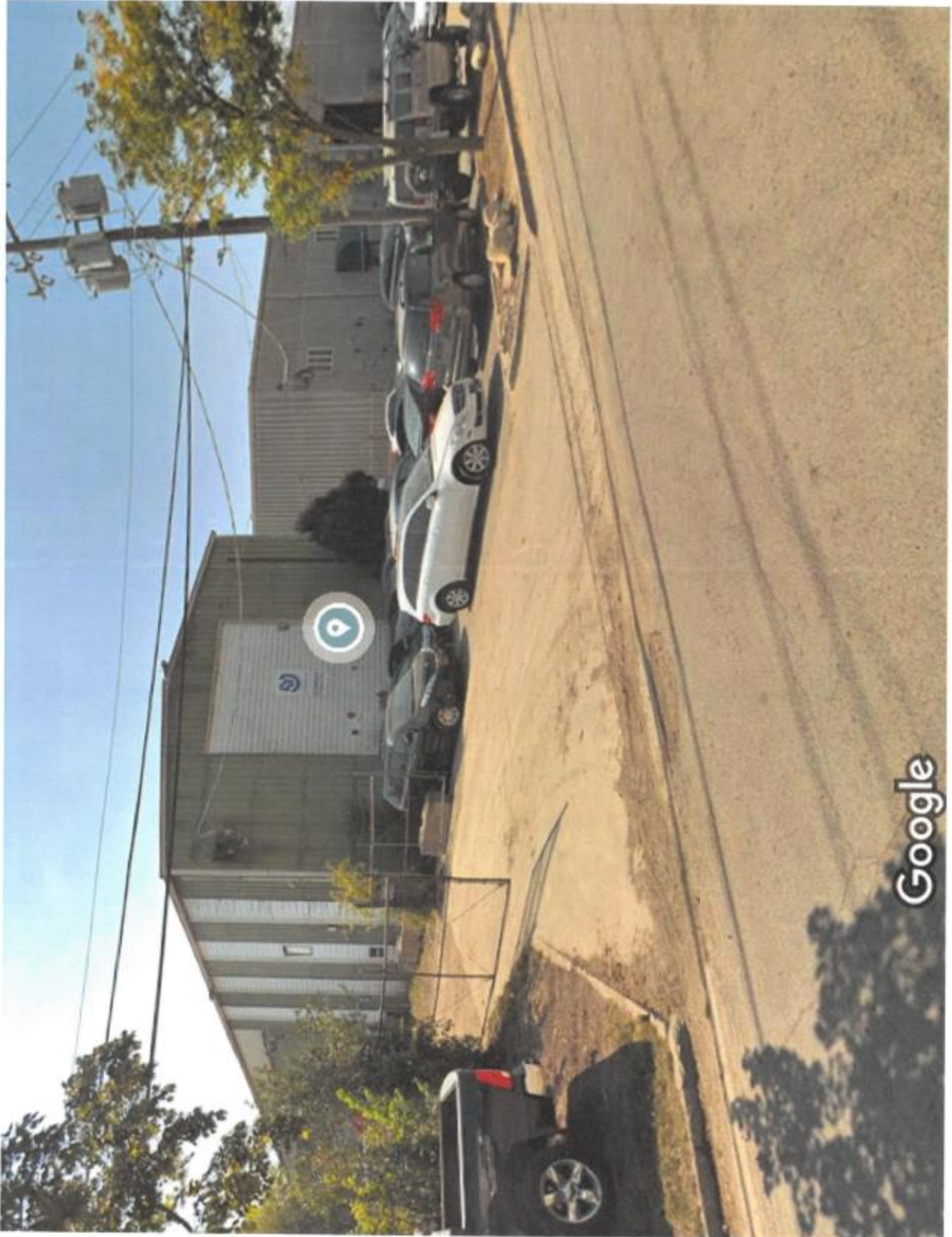
















## Action Item

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** 23-2498

**Agenda Date:** 8/1/2023

**Agenda #:** 7.A.

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Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

July 24, 2023

TO: DuPage County Building Board of Appeals

FROM: Jim Stran, Building & Zoning Manager

RE: Appeal of Building Official's Decision Regarding Denial of VB BTSII, LLC's Amended Building Permit Application

On June 26, 2023, the DuPage County Building & Zoning Department received an "amended building permit application" (see materials attached hereto) from Vertical Bridge Development LLC ("Vertical Bridge"), seeking issuance of a permit to build an "access road" and 5G cellular tower in the Medinah Spring Valley Lake subdivision in Bloomingdale Township, Illinois.<sup>1</sup> As the Committee may recall, on November 23, 2022, Vertical Bridge previously appealed the Building Official's "initial" decision to revoke Vertical Bridge's original Building Permit, Number. T69474, to this Committee.

The Building and Zoning Official's initial decision to revoke Vertical Bridge's original building permit arose from the expiration of a prerequisite "access permit," that was issued by Bloomingdale Township. Specifically, based on the building plans Vertical Bridge has submitted to the County, posting an access bond and obtaining a road entrance (i.e., "access") permit from the Township is required by the DuPage County Building Code before a building permit may be issued. Under the Section 8-112.6 of the Code:

"Access Drive and Culvert. No permit shall be issued for work requiring the posting of a highway or culvert bond until satisfactory proof has been submitted that approved cash bonds have been posted or a waiver thereof has been given by the highway authority having jurisdiction."

During the review process for Vertical Bridge's initial, July 8, 2022, permit application, Vertical Bridge had originally provided the County a copy of a receipt from Bloomingdale Township demonstrating it had obtained an approved access bond and road entrance permit from Bloomingdale Township—the highway authority having jurisdiction. Under the belief that there existed an approved bond and road entrance permit, the County approved and issued Permit No. T69474. On or around November 15, 2022, however, the County was notified by Bloomingdale Township that:

- (i) Vertical Bridge's access bond had expired; and
- (ii) a refund of the total bond amount had been sent to Vertical Bridge; and
- (iii) Vertical Bridge had cashed the refund check.

Given this notification and based upon reliable information that there was no "current" approved bond and/or road entrance permit issued by the Township, the County revoked

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<sup>1</sup> Vertical Bridge sent a second request to appeal on July 18, 2023, which is also included in the appeal packet.





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Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

Building Permit No. T69474. On December 6, 2022, this Committee denied Vertical Bridge's request to appeal the revocation.

Turning now to Vertical Bridge's current, June 26, 2023, "amended building permit application," the amended construction plans show that Vertical Bridge now intends to construct its proposed "access road" using asphalt as opposed to gravel. As such, the amendment to the construction plans submitted by Vertical Bridge does not by itself contain any changes which would prevent approval of a permit. However, the remaining circumstances surrounding the amended permit request (e.g., the continued absence of an "approved bond or waiver" from the Township, as is required by the Building Code) remain largely unchanged.

While Vertical Bridge's amended permit request indicates it has submitted checks amounting to \$7,500.00 to Bloomingdale Township, it has not provided any documentation showing *approval of an access bond or a waiver thereof...by the highway authority having jurisdiction* (i.e., a receipt *from the Township* showing that that Vertical Bridge has posted an "approved access bond" and has been issued "a road entrance permit"). Nevertheless, Vertical Bridge's amended permit application now asks that that the County consider the Code's Section 8-112.6 "Exception" to issue a building permit in the absence of an approved access bond and/or waiver from Bloomingdale Township.

The Exception under Code Section 8-112.6 reads as follows:

"On such permits that are able to be issued immediately on site by field personnel and where the proposed project will have no impact on access drives and/or culverts, a written notarized affidavit from the property owner, assuring the above cash bond or waiver will be obtained from the highway authorities having jurisdiction before any delivery of construction materials and/or commencement of construction, may be accepted prior to the issuance of such permit."

Based on the materials Vertical Bridge has submitted to the Building Official contained within its successive, combined "amended building permit application" and request to appeal, the Official has found (*see* Building Official's 7/10/23 Decision, attached) as follows:

"It is the determination of the department that VB BTSII, LLC's amended permit application for a cell tower and access drive requires review by multiple disciplines, including but not limited to the Building Division, Zoning Division, and Stormwater Management department, as well as the Local Fire district and Bloomingdale Township, before a building permit may be issued.[...] Therefore, application of the Code's Section 8-112.6 Exception is not appropriate for this project as the permit is **not** *able to be issued immediately on site by field personnel.*" (Bold/brackets added).

"Additionally, based on both the original and amended construction plans submitted by VB BTSII, LLC, the proposed entrance for the project [...] **would** *have an impact on the access drive and/or culvert* [...]. As such, the exception cannot apply to a commercial project of this nature



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## BUILDING & ZONING DEPARTMENT

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and description. County staff are not authorized to issue the permit [under the Exception] based on the contents of VB BTSII, LLC's amended permit application." (Bold/brackets added).

"Based on the amended permit application as submitted, DuPage County Building Code, Section 8-112.6: Access Drive and Culvert, remains applicable to VB BTSII, LLC's proposed construction project, and submittal of the approval of a bond or waiver from the highway authority having jurisdiction to the County by VB BTSII, LLC will still be required before a building permit may be issued."

Given the above, it is the recommendation of this Building Official that Vertical Bridge's appeal be denied.

Regards,

Jim Stran  
Building & Zoning Manager  
DuPage County Building & Zoning Department



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
fax: 630-407-6702

[www.dupagecounty.gov/building](http://www.dupagecounty.gov/building)

July 10, 2023

TO: VB BTSII, LLC (Vertical Bridge)  
750 Park of Commerce Drive, Suite 200  
Boca Raton, Florida 33487

FROM: Jim Stran  
Building & Zoning Department Manager  
DuPage County

RE: Request for the review and issuance of the building permit for the construction of a cell tower and access drive based on the Building Code Section 8-112.6 Access Drive and Culvert: Exception

### REVIEW DECISION STATUS:

Formal rejection for permit approval request based on *Section 8-112.6 Access Drive and Culvert: Exception: On such permits that are able to be issued immediately on site by field personnel and where the proposed project will have no impact on access drives and/or culverts, a written notarized affidavit from the property owner, assuring the above cash bond or waiver will be obtained from the highway authorities having jurisdiction before any delivery of construction materials and/or commencement of construction, may be accepted prior to the issuance of such permit.*

### ANALYSIS AND DETERMINATION:

It is the determination of the department that VB BTSII, LLC's amended permit application for a cell tower and access drive requires review by multiple disciplines, including but not limited to the Building Division, Zoning Division, and Stormwater Management department, as well as the Local Fire district and Bloomingdale Township, before a building permit may be issued. Additionally, based on both the original and amended construction plans submitted by VB BTSII, LLC, the proposed entrance for the project would have an impact on the access drive and/or culvert.

Therefore, application of the Code's Section 8-112.6 Exception is not appropriate for this project as the permit is not able to be issued immediately on site by field personnel, and the proposed project would have an impact on the access drive and/or culvert. As such, the exception cannot apply to a commercial project of this nature and description. County staff are not authorized to issue the permit based on the contents of VB BTSII, LLC's amended permit application.

Based on the amended permit application as submitted, DuPage County Building Code, Section 8-112.6: Access Drive and Culvert, remains applicable to VB BTSII, LLC's proposed construction project, and submittal of the approval of a bond or waiver from the highway authority having jurisdiction to the County by VB BTSII, LLC will still be required before a building permit may be issued.



**DUPAGE  
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Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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[www.dupagecounty.gov/building](http://www.dupagecounty.gov/building)

Please therefore accept this correspondence as a rejection of your request to have the permit issued under the exception to Code Section 8-112.6.

Regards,

Jim Stran  
Building & Zoning Manager  
DuPage County Building & Zoning Department



**Dykema Gossett PLLC**  
2300 Cabot Drive  
Suite 505  
Lisle, IL 60532  
WWW.DYKEMA.COM  
Tel: (630) 245-0400  
Fax: (630) 245-0140  
**Bruce L. Goldsmith**  
Direct Dial: (630) 577-2811  
Direct Fax: (855) 261-8765  
Email: BGoldsmith@dykema.com

June 26, 2023

**VIA FEDERAL EXPRESS**

Nicholas V. Alfonso  
Asst. State's Attorney  
DuPage County State's Attorney Civil Division  
503 N. County Farm Road  
Wheaton, IL 60187

Re: VB BTS II, LLC vs. Bloomingdale Township and County of DuPage, DuPage County Case  
No. 2022 MR 752

Dear Mr. Alfonso:

On two occasions we have tried to have the County review our client's request to have the County apply its Exception to the requirement of a separate access permit from Bloomingdale Township before the County would reissue the necessary building permit. We are now submitting a third request based on your last letter on this subject. The latest request is attached.

You have rejected these attempts on behalf of the County by e-mail without ever having the person in authority (Mr. Hoss, we believe) formally respond. On the assumption that you will not let Vertical Bridge start an appeal to the Board Committee without an additional submittal based on your last e-mail, even though this seems punitive, we are submitting the following:

1. A new letter addressed to Mr. Hoss and the Board committee chair.
2. A re-application which includes the original application.
3. The building permit package, which is basically identical to the original submission that was approved except that: (1) The survey corrects the Easement area to show that MSVL owns it and is consistent with the County's GIS map; and (2) the construction access road is asphalt instead of crushed stone as directed by the County in consultation with the Fire Protection District.
4. Evidence that the approved \$7500 bond was posted.

5. Affidavits as required by the Exception.

As we anticipate another rejection of this request without a formal decision, please treat this letter as an appeal to the Board Committee regardless of whether it is an outright rejection or if we get a formal rejection. Given that there is currently a stop work notice based on the Township's position and the County has now recognized that the Township does not own the Easement, our client is requesting that the original permit be reissued.

You have also asserted based on the Highway Code that the Township controls the grass area next to the paved road. As you will see from our filings in the case yesterday, MSVL owns this area as there has never been a public dedication of the two roads to the Township. For this reason, Vertical Bridge's Lease with MSVL gives it the right to extend its construction access road to the pavement of the public roadways. Moreover, the County has as much right to access the paved area as MSVL as rights of way permit other governmental entities and utilities to have access and use. The Township's original approval was perfunctory and the County has simply, up to now, allowed the Township to use petty political actions to compromise our client's rights.

Very truly yours,

**Dykema Gossett PLLC**

Bruce L. Goldsmith

Enclosures



**Dykema Gossett PLLC**

2300 Cabot Drive

Suite 505

Lisle, IL 60532

WWW.DYKEMA.COM

Tel: (630) 245-0400

Fax: (630) 245-0140

**Bruce L. Goldsmith**

Direct Dial: (630) 577-2811

Direct Fax: (855) 261-8765

Email: BGoldsmith@dykema.com

June 26, 2023

**VIA FEDERAL EXPRESS TO  
NICHOLAS ALFONSO, ASSISTANT  
STATE'S ATTORNEY**

Paul Hoss  
Planning and Zoning Administration Coordinator  
c/o Nicholas V. Alfonso  
Asst. State's Attorney  
DuPage County State's Attorney Civil Division  
503 N. County Farm Road  
Wheaton, IL 60187

Sam Tornatore  
Development Committee Chairman  
c/o Nicholas V. Alfonso  
Asst. State's Attorney  
DuPage County State's Attorney Civil Division  
503 N. County Farm Road  
Wheaton, IL 60187

**Re:** Notice of and Application for Appeal of County's Rejection of Vertical Bridge's May 1, 2023 Demand for Building Permit  
Owner: Medinah Spring Valley  
Address: 9 Spring Valley Dr., Medinah

Dear Mr. Hoss and Mr. Tornatore:

Our client, Vertical Bridge Development LLC ("Vertical Bridge"), is hereby appealing the rejection of VTB's May 1, 2023 request for a building permit pursuant to Section 8-112.6's Exception received by email from Nicholas Alfonso on May 11, 2023 (a copy of this email is attached as Exhibit A) and the rejection of the May 30<sup>th</sup> appeal that was also sent to your attention via Mr. Alfonso. In support of its appeal:

(1) Vertical Bridge has delivered two checks to the Township totaling \$7500, representing the current "Approved Bond" pursuant to the Township's Final Administrative Decision (a copy of the letter to Sean Conway is attached).



Paul Hoss  
Sam Tornatore  
c/o Nicholas V. Alfonso  
June 26, 2023  
Page 2

(2) The Affidavit of Johnny R. Crawford, Executive Vice President of Development of Vertical Bridge REIT, LLC, confirms the processing of the \$7000 check for the Approved Bond to be added to the \$500 submitted with the March 3, 2023 reapplication to the Township.

(3) The Affidavit of Kenneth C. Baumgardt, a licensed engineer employed by Edge Consulting, Inc. ("Edge") and the lead engineer on the Project, confirming that the Access Road will be constructed with an asphalt surface.

(4) Updated plans that are the same as the original plans except for a correction of the survey to note that the "66' easement for future road" is part of Lot 171 subject to the Lease between MSVL and Vertical Bridge, consistent with the County's current GIS map.

(5) The original application to the County.

We note your counsel has indicated that the Exception requires the Owner's signature. However, the Owner is not constructing the road as may be typical in your application of the exception. Rather, our client is constructing the road and is posting the necessary bond.

Very truly yours,

**Dykema Gossett PLLC**

Bruce L. Goldsmith

Enclosures



**From:** Alfonso, Nicholas <Nicholas.Alfonso@dupageco.org>  
**Sent:** Thursday, May 11, 2023 12:24 PM  
**To:** Goldsmith, Bruce L.  
**Subject:** RE: Attached Letter now attached  
**Attachments:** Final Administrative Decision.wExhibits.pdf

\*\*\* EXTERNAL \*\*\*

Mr. Goldsmith,

The County, in its discretion under the DuPage County Code of Ordinances, Sec. 8-112.6 (“...a written notarized affidavit...may be accepted....”), hereby rejects VTB’s May 1, 2023 demand for a building permit pursuant to Section 8-112.6’s Exception. First, while your correspondence asserts that VTB has submitted a “\$500.00 bond” to the Township, the currently “Approved Bond”—per the Township’s Final Administrative Decision (attached)—is \$7,500.00. Second, and much more importantly, VTB’s own construction plans clearly indicate that the construction activities and the planned gravel track will “impact the access drive.” Thus, the Ordinance does not permit the County to apply the exception under these circumstances (See DuPage Code, Sec. 8-112.6) (permitting exception to be made only, “[o]n such permits...where the proposed project will have no impact on access drives....”).

Should you have any questions, please feel free to contact me.

Thank you,

Nicholas V. Alfonso  
Assistant State’s Attorney, Civil Division  
DuPage County State’s Attorney’s Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Goldsmith, Bruce L. <BGoldsmith@dykema.com>  
**Sent:** Monday, May 1, 2023 5:44 PM  
**To:** Alfonso, Nicholas <Nicholas.Alfonso@dupageco.org>  
**Cc:** Chico, Melanie J. <mchico@dykema.com>; Perkowitz, Cathy A. <CPerkowitz@dykema.com>  
**Subject:** RE: Attached Letter now attached

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

**Bruce L. Goldsmith**  
Senior Counsel

D 630-577-2811 • M 630-391-8202  
BGoldsmith@dykema.com • dykema.com

**BIO VCARD**

2300 Cabot Drive, Suite 505  
Lisle, Illinois 60532

---



**From:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Sent:** Monday, May 1, 2023 2:48 PM  
**To:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Subject:** RE: Attached Letter

\*\*\* EXTERNAL \*\*\*

Bruce,

Given you sent this today (5/1), can you please re-send with the proper date?

Thank you,

Nicholas V. Alfonso  
Assistant State's Attorney, Civil Division  
DuPage County State's Attorney's Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Sent:** Monday, May 1, 2023 1:20 PM  
**To:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Subject:** Attached Letter

**[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]**

Please review. Bruce

**Bruce L. Goldsmith**  
Senior Counsel

D 630-577-2811 • M 630-391-8202  
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Lisle, Illinois 60532

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**Neither this information block, the typed name of the sender, nor anything else in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.**

**O'Brien, Terri J.**

---

**From:** Alfonso, Nicholas <Nicholas.Alfonso@dupageco.org>  
**Sent:** Tuesday, June 6, 2023 11:30 AM  
**To:** Goldsmith, Bruce L.  
**Cc:** Hoss, Paul; Tornatore, Sam; Stran, Jim  
**Subject:** RE: Vertical Bridge litigation - VTB's Request for Appeal  
**Attachments:** 1486\_001.pdf

\*\*\* EXTERNAL \*\*\*

Mr. Goldsmith,

Please accept this correspondence in response to your attached mailing, received by my office on May 31, 2023. More specifically, in response to your letter to Paul Hoss and Chair Tornatore (requesting an appeal of the County's May 11, 2023 rejection of VTB's request for building permit under the Zoning Ordinance's Sec. 8-112.6 Exception), please be advised that the Development Committee cannot take into consideration any documentation received after May 11, 2023 during an appeal of that decision—which would exclude from consideration all of the additional documentation you submitted after May 11, 2023, which was appended to your May 30, 2023 correspondence. As such, should you wish proceed to an appeal the May 11, 2023 decision, that appeal will be limited to the documents submitted by VTB on or prior to May 11, 2023.

Alternatively, should VTB wish for the County to consider the additional documentation/information contained within the attached May 30, 2023 mailing, it must submit a formal amendment to its original building permit application to the Building and Zoning Department, which contains both: (a) all documentation required by Section 8-112.6's exception, and (b) updated drawings depicting VTB's current construction plans [considering that VTB has now affirmed in the attached that the planned "access road" construction (asphalt) now differs from the plans previously submitted with VTB's original permit application (gravel)]. Once the County has received VTB's permit application amendment documentation, it will consider the amendment in due course and issue a decision, at which time VTB may then opt to appeal the result to the Development Committee based on a complete record.

Please let me know the manner in which you wish to proceed. Should you have any questions, concerns, or comments relative to this correspondence, please feel free to contact me.

Thank you,

Nicholas V. Alfonso  
Assistant State's Attorney, Civil Division  
DuPage County State's Attorney's Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Alfonso, Nicholas  
**Sent:** Thursday, May 18, 2023 11:20 AM  
**To:** Goldsmith, Bruce L. <BGGoldsmith@dykema.com>  
**Cc:** Sean Conway <seanconway@bond-dickson.com>  
**Subject:** RE: Vertical Bridge litigation

Bruce,

Correcting a mistake in the below as to the GIS mapping: based on new information I've just received this morning from county staff in the GIS/IT department, the change was made (entered) on or before February 8, 2023. With that said, however, the GIS update was not published to the GIS website until March 2, 2023.

Thank you,

Nicholas V. Alfonso  
Assistant State's Attorney, Civil Division  
DuPage County State's Attorney's Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Alfonso, Nicholas  
**Sent:** Wednesday, May 17, 2023 6:23 PM  
**To:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Subject:** RE: Vertical Bridge litigation

Bruce,

On your attached correspondence's first point, per my information, the effective date for all changes to the County's GIS maps was January 31, 2023—meaning all changes to the online GIS maps would have gone “into effect” that day. On your certiorari claim, given that no such claim has been asserted against the County, the County takes no position as to VTB's ability to supplement the record in relation to that specific claim.

Regarding your second point, the County has not “refused to adopt the exception to Sec. 8-112.6.” Instead, as I explained in detail in my earlier email response (copied in below) and over the phone with you yesterday, the work proposed by VTB does not qualify for the Ordinance's exception. Specifically: (1) VTB has not submitted an “approved bond” in compliance with the Township's administrative decision; and (2) more importantly, VTB's installation of an asphalt (or gravel) access road—planned to commence at the edge of the pavement of the intersection of Spring Valley Drive and Glendale Road, continuing through the township's right of way from the pavement up to the eastern boundary of lot 171's easement (the **initial** portion of track planned to be placed *outside* the easement)—will clearly impact the “access drive” (defined as “The area within the Right-of-Way between the pavement edge or curb and the Right-of-Way line, used to provide ingress and egress to and from a Lot.”). Based on the GIS map and VTB's own plans, the Access Drive is currently unimproved. It is immaterial that the Township's administrative decision expressed no opinion as to the “potential impact” to the access drive. Per VTB's own drawings, the Access Drive will be impacted. And based on VTB's own representations in its request for the exception, VTB has only submitted \$500.00, which is \$7,000.00 less than the “approved bond” required by the Township's administrative decision. Under these circumstances, State statute and County Ordinance do not allow the County to issue a building permit.

Finally, as to your last point, to my knowledge the County currently has no plans for any further changes to the relevant GIS parcel mapping. Should this change, I will be sure to let you know.

Should you have any questions, concerns, or further comments, please feel free to contact me.

Thank you,

Nicholas V. Alfonso  
Assistant State's Attorney, Civil Division  
DuPage County State's Attorney's Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Sent:** Wednesday, May 17, 2023 5:33 PM  
**To:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Subject:** Vertical Bridge litigation

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Nick-Please see the attached. Bruce

**Bruce L. Goldsmith**  
Senior Counsel

D 630-577-2811 • M 630-391-8202  
[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com) • [dykema.com](http://dykema.com)

**BIO** [VCARD](#)

[2300 Cabot Drive, Suite 505](#)  
Lisle, Illinois 60532

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**From:** Alfonso, Nicholas  
**Sent:** Thursday, May 11, 2023 12:24 PM  
**To:** Goldsmith, Bruce L. [BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)  
**Subject:** RE: Attached Letter now attached

Mr. Goldsmith,

The County, in its discretion under the DuPage County Code of Ordinances, Sec. 8-112.6 (“...a written notarized affidavit...may be accepted...”), hereby rejects VTB’s May 1, 2023 demand for a building permit pursuant to Section 8-112.6’s Exception. First, while your correspondence asserts that VTB has submitted a “\$500.00 bond” to the Township, the currently “Approved Bond”—per the Township’s Final Administrative Decision (attached)—is \$7,500.00. Second, and much more importantly, VTB’s own construction plans clearly indicate that the construction activities and the planned gravel track will “impact the access drive.” Thus, the Ordinance does not permit the County to apply the exception under these circumstances (See DuPage Code, Sec. 8-112.6) (permitting exception to be made only, “[o]n such permits...where the proposed project will have no impact on access drives....”).

Should you have any questions, please feel free to contact me.

Thank you,

Nicholas V. Alfonso  
Assistant State’s Attorney, Civil Division  
DuPage County State’s Attorney’s Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Sent:** Monday, May 1, 2023 5:44 PM  
**To:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Cc:** Chico, Melanie J. <[mchico@dykema.com](mailto:mchico@dykema.com)>; Perkowitz, Cathy A. <[CPerkowitz@dykema.com](mailto:CPerkowitz@dykema.com)>  
**Subject:** RE: Attached Letter now attached

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**Bruce L. Goldsmith**  
Senior Counsel

D 630-577-2811 • M 630-391-8202  
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**BIO** **VCARD**

[2300 Cabot Drive, Suite 505](#)  
Lisle, Illinois 60532



**From:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Sent:** Monday, May 1, 2023 2:48 PM  
**To:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Subject:** RE: Attached Letter

\*\*\* EXTERNAL\*\*\*

Bruce,

Given you sent this today (5/1), can you please re-send with the proper date?

Thank you,

Nicholas V. Alfonso  
Assistant State's Attorney, Civil Division  
DuPage County State's Attorney's Office  
503 N. County Farm Road  
Wheaton, IL 60187  
p: 630.407.8208  
f: 630.407.8201  
e: [nicholas.alfonso@dupageco.org](mailto:nicholas.alfonso@dupageco.org)

**From:** Goldsmith, Bruce L. <[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com)>  
**Sent:** Monday, May 1, 2023 1:20 PM  
**To:** Alfonso, Nicholas <[Nicholas.Alfonso@dupageco.org](mailto:Nicholas.Alfonso@dupageco.org)>  
**Subject:** Attached Letter

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Please review. Bruce

**Bruce L. Goldsmith**  
Senior Counsel

D 630-577-2811 • M 630-391-8202  
[BGoldsmith@dykema.com](mailto:BGoldsmith@dykema.com) • [dykema.com](http://dykema.com)

**BIO** [VCARD](#)

[2300 Cabot Drive, Suite 505](#)  
Lisle, Illinois 60532

---

The logo for Dykema, featuring the word "Dykema" in a bold, blue, sans-serif font. The letter "i" is lowercase and has a small dot above it.

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**Dykema Gossett PLLC**

2300 Cabot Drive

Suite 505

Lisle, IL 60532

WWW.DYKEMA.COM

Tel: (630) 245-0400

Fax: (630) 245-0140

**Bruce L. Goldsmith**

Direct Dial: (630) 577-2811

Direct Fax: (855) 261-8765

Email: BGoldsmith@dykema.com

May 30, 2023

**Via Federal Express**

Sean Conway  
Bond, Dickson & Conway  
400 S. Knoll Street, Unit C  
Wheaton, IL 60187

Re: VB BTS II, LLC vs. Bloomingdale Township and County of DuPage, DuPage County Case  
No. 2022 MR 752

Dear Sean:

Enclosed is a check from Vertical Bridge to Bloomingdale Township in the amount of \$7000 which, coupled with the previously submitted \$500, represents the current "Approved Bond" pursuant to Township's Final Administrative Decision.

Very truly yours,

**Dykema Gossett PLLC**

Bruce L. Goldsmith

Enclosure

cc: Nicholas Alfonso, with copy of enclosure via email

California | Illinois | Michigan | Minnesota | Texas | Washington, D C | Wisconsin

121816.000001 4896-3953-3159.1

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

**VB B2, LLC**  
 750 Park of Commerce Dr Ste 200  
 Boca Raton, FL 33487

**Bank of America N.A.**

**1850**  
 68-4 / 680

Date: May 25, 2023

**PAY TO THE** Bloomingdale Township  
**ORDER OF**

Seven Thousand and 00/100 DOLLARS

**\*\*\$7,000.00\*\***

Void After Ninety Days

BLOOMINGDALE TOWNSHIP  
 123 ROSEDALE AVE  
 BLOOMINGDALE IL 60108  
 UNITED STATES



Authorized Signature

VB B2, LLC

PAYEE: , Bloomingdale Township

CHECK NO: 1850

CHECK DATE: 5/25/2023

DATE	INVOICE NO.	MEMO	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
5/19/2023	IL5657-051923		7,000.00		7,000.00

**DYKEMA GOSSETT PLLC** 2-88  
**DISBURSEMENT ACCOUNT**  
 4200 COMMERCE CT., SUITE 300  
 Lisle, IL 60532

**Bank of America**  
 Chicago, Illinois

1166

2-3/710 U. S. DEPT. OF TREASURY  
 Details on front  
 Security Features Included

DATE March 14, 2023

PAY Five Hundred and 00/100ths----- DOLLARS \$ 500.00

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

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 IMMEDIATELY. NO RECEIPT DESIRED.

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

AS

**ENTRANCE PERMIT/BOND  
BLOOMINGDALE TOWNSHIP  
ROAD DISTRICT**

NAME VB BTS II, LLC (Vertical Bridge)  
ADDRESS 750 Park of Commerce Drive, Suite 200  
Boca Raton, Florida 33487  
PHONE # (561) 923-0724

DATE March 3, 2023  
PERMIT # \_\_\_\_\_  
RESIDENTS NAME Daniel Kalina  
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 District 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 additions

**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 \_\_\_\_\_

**ENTRANCE BOND RECEIPT**

Receipt of \$ \_\_\_\_\_ has been presented this date \_\_\_\_\_ to

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

SIGNATURE OF ROAD DISTRICT AUTHORITY \_\_\_\_\_

WHITE - APPLICANT

YELLOW - BLOOMINGDALE TOWNSHIP ROAD DISTRICT\*

PINK - BUILDING/ZONING

STATE OF FLORIDA            )  
  )  
COUNTY OF PALM BEACH    )

SS:

**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. Judge Anne T. Hayes

**AFFIDAVIT OF JOHNNY R. CRAWFORD**

**NOW COMES** the undersigned, having been duly sworn and states as follows:

1.       My name is Johnny R. Crawford and I am over 18 years of age and if called upon to testify, I can attest to the statements contained herein.
  
2.       I am an employee of Vertical Bridge REIT, LLC with the position of Executive Vice President of Development. My responsibilities include site development oversight including for the project referenced below which is the subject matter of the above captioned litigation.
  
3.       Vertical Bridge has leased a certain tract of land identified by Tax Parcel No 02-14-203-001, as further described on Exhibit A ("Property") of the Option and Lease Agreement, as amended, by and between Vertical Bridge and Medinah Spring Valley Lake, Inc., an Illinois corporation dated April 25, 2019 and recorded on June 27, 2019 as Document #R2019-051950 in the records of DuPage County, Illinois and first amended effective April 1, 2021 and second amended effective April 24, 2022.

4. Pursuant to its authority under the Lease, Vertical Bridge seeks to build an asphalt construction road across an unimproved grass area on the Property to connect the site for the cell tower to a public roadway at the intersection of Glendale Road and Spring Valley Drive within the Medinah Spring Valley Lake subdivision.

5. Vertical Bridge applied for a Township access permit on March 3, 2023 and posted a \$500 cash bond as a prerequisite for a building permit from DuPage County. Since that time, Vertical Bridge is in the process of posting an additional \$7000 consistent with the amount specified in the Township's Final Administrative Decision dated 4/12/23.

6. This affidavit is given pursuant to Section 8-112.6 of the DuPage County Building Code.

7. Vertical Bridge represents it is in the process of posting the additional \$7000 bond requirement by the Township and that Vertical Bridge has not either received any delivery of construction materials nor has it commenced construction.

Further affiant sayeth not.

***[signatures and acknowledgements on following page]***

Name: Vertical Bridge REIT, LLC  
By: Johnny R. Crawford  
Its: Executive Vice President of Development

Date: May     , 2023

STATE OF SOUTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF CHARLESTON \_\_\_\_\_

I, Janelle Auzan, a Notary Public for said County and State, do hereby certify that Johnny R. Crawford personally came before me this day and acknowledged that he executed the foregoing Affidavit, on behalf of the limited liability company.

WITNESS my hand and official Notarial Seal, this 19 day of May, 2023.

Notary Public, Charleston County, South Carolina  
Acting in Charleston, South Carolina  
My Commission Expires: 8/16/2027



**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 KENNETH C. BAUMGARDT**  
**Licensed Professional Engineer**

I, Kenneth C. Baumgardt, 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 engineer with over 20 years of experience and am employed by Edge Consulting Engineers, Inc (“Edge”).

2. Edge was retained by Vertical Bridge as engineer to prepare plans (“Plans”) for the construction of a cell tower on land owned by Medinah Spring Valley Lake, Inc. (“MSVL”), which includes building a construction road across an unimproved grass area (“Access Area”) to connect the site for the cell tower (“Tower Site”) to a public roadway at the intersection of Glendale Road and Spring Valley Drive within the Medinah Spring Valley Lake subdivision (the “Project”).

3. I am the lead engineer on this Project and signed the Plans on January 26, 2023. The plans were prepared under my direct supervision and control.



4. As a part of the Plans, Vertical Bridge will build an access road ("Access Road") from the Tower Site to the intersection of Glendale Road and Spring Valley Drive.

5. Although the Access Road was originally designed with stone of sufficient load bearing gravel to handle heavy vehicles it is my understanding that the County, at the direction of the local fire department, indicated that the road should be constructed with an asphalt surface to handle fire trucks.

6. The Access Road is specified as asphalt on the Plans as originally approved by the County.

All opinions expressed in the Affidavit are being presented with reasonable certainty in the field of engineering and are based upon my education, training, and experience as an engineer.

Further affiant sayeth not.

\_\_\_\_\_  
Kenneth C. Baumgard  
Licensed Professional Engineer of Illinois

Subscribed and Sworn to before  
me this 22 day of May, 2023.

NT  
✓







# verticalbridge T-Mobile

**VB US-IL-5657 LAKE VIEW  
T-MOBILE ID: CH74346L  
MEDINAH, ILLINOIS  
CONSTRUCTION DRAWINGS  
65' MONOPINE**

**Edge**  
Consulting Engineers, Inc.  
1111 W. WASHINGTON ST.  
CHICAGO, IL 60607  
TEL: 312.467.1000  
WWW.EDGE-CONSULTING.COM

**verticalbridge**  
VERTICAL BRIDGE DEVELOPMENT, LLC  
1111 W. WASHINGTON ST.  
CHICAGO, IL 60607  
TEL: 312.467.1000

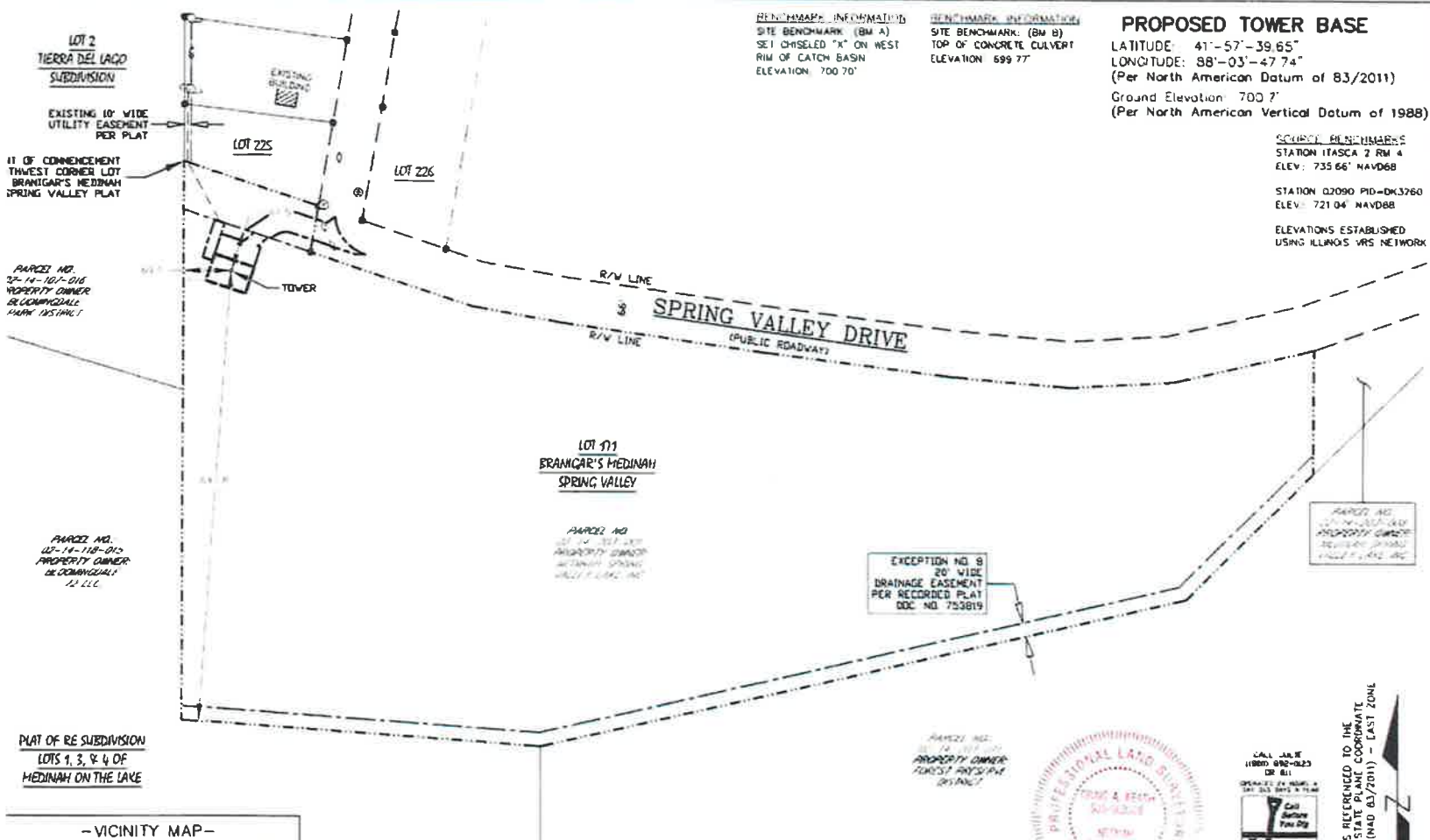
SITE LOCATION MAPS	SHEET INDEX	DIRECTORY	PROJECT INFO	SCOPE OF WORK																																																																														
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MALINA PHONE: 608.943.7111</p> <p><b>CLIENT</b> T-MOBILE 1400 OLUS PLACE CHANNERS GROVE, IL 60510 CONTACT: RAYMOND GRAFHA PHONE: 618.707.3050</p> <p><b>ENGINEERING COMPANY</b> EDGE CONSULTING ENGINEERS, INC. 1111 W. WASHINGTON STREET CHICAGO, IL 60607 CONTACT: ANDREW FORN PHONE: 608.943.1449</p> <p><b>SITE ACQUISITION</b> IN SITE, INC. CONTACT: MARK LAINE PHONE: 608.990.4334</p> <p><b>SURVEYOR</b> MERIDIAN SURVEYING, LLC 10857 FRIENDSHIP DRIVE NAUKALUA, WI 53106 CONTACT: CRAIG REACH PHONE: 908.943.0661</p>	<p><b>SITE LOCATION</b> NEAR GLENDALE ROAD AND SPRING VALLEY DRIVE MEDINAH, IL 60457</p> <p><b>PROPERTY OWNER</b> MEDINAH SPRING VALLEY PARTNERS P.O. BOX 564 MEDINAH, IL 60457</p> <p><b>CITY COORDINATE (GPMER) (NAD 83) (GEOID)</b> LAT (NAD 83) 41°02'29.14" N LONG (NAD 83) 87°11'02.62" W GROUND ELEVATION (NAVD 83) 207.7</p> <p><b>PLUS INFORMATION</b> LOT 171 OF BRANIGAN'S MEDINAH SPRING VALLEY LOCATED IN PART OF SECTION 11, T-10N, R-10E OF THE 3RD PM DUPAGE COUNTY ILLINOIS</p> <p><b>TAX KEY NUMBER</b> 0214-223001</p> <p><b>ZONED</b> M</p>	<p><b>PROJECT DESCRIPTION</b> PROJECT TO PROVIDE SITE BUILD TO INCLUDE (1) PREHESSED MONOPINE EQUIPMENT PROPOSED EQUIPMENT PLATFORM TO BE ELEVATED 7' ABOVE GRADE</p> <p><b>PROPOSED ANTENNAS</b> (1) ANTENNAS (1) LTE 500A COMPACT (1) LTE 450A PICS</p> <p><b>PROPOSED TOWER EQUIPMENT</b> (1) 40' AERIAL RADIUS RADIUS HEADS (1) 40' AERIAL RADIUS HEADS (1) 40' AERIAL SYSTEM MODULE (1) HYBRID FIBER BREAKOUT BOX</p> <p><b>PROPOSED GROUND EQUIPMENT</b> (1) 40' AERIAL (1) 40' AERIAL (1) SITE SUPPORT CABINET (1) BATTERY BACKUP CABINET (1) ANGLE COUPLER (1) CLENA (1) POWER PROTECTION CABINET</p> <p><b>PROJECT AREA</b> 40' X 70' BASE AREA = 2,800 SQ. FT. 100' WIDE ACCESS STRIP BASEMENT = 1,160 SQ. FT. 100' WIDE STRIP BASEMENT = 947 SQ. FT.</p>
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**TITLE SHEET  
CH74346L (SPRING VALLEY DR - RL)  
MEDINAH, ILLINOIS**









**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)

**SCOURY BENCHMARKS**  
STATION ITASCA 7 RM 4  
ELEV: 735.66' NAVD88

STATION Q2090 PID-DK3260  
ELEV: 721.04' NAVD88

ELEVATIONS ESTABLISHED  
USING ILLINOIS VRS NETWORK

PLAT OF RE SUBDIVISION  
LOTS 1, 3, 4 OF  
MEDINAH ON THE LAKE



**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. 29051142 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 16" 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 TREE

**PROPERTY DETAIL  
NOT TO SCALE**

**SURVEYOR'S CERTIFICATE**  
I, CRAIG A. KEACH, ILLINOIS PROFESSIONAL LAND SURVEYOR, LICENSE NO. 035-003528, HEREBY CERTIFY THAT I HAVE PERSONALLY OBSERVED AND MEASURED THE POINTS SHOWN ON THIS PLAT AND THAT THE MEASUREMENTS WERE MADE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS PROFESSIONAL SURVEYING SERVICE IS PROVIDED IN ACCORDANCE WITH THE ILLINOIS PROFESSIONAL SURVEYING ACT (625 ILCS 10/1-10/10) AND THE ILLINOIS PROFESSIONAL SURVEYING BOARD REGULATIONS (625 ILCS 10/1-10/10).

SURVEYED FOR:

Edge  
Consulting Engineers, Inc.  
624 Water Street  
P.O. Box 111  
O'Fallon, IL 62456  
618.644.1449 voice  
618.644.1449 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 320-993-0881  
Kaukaun, 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

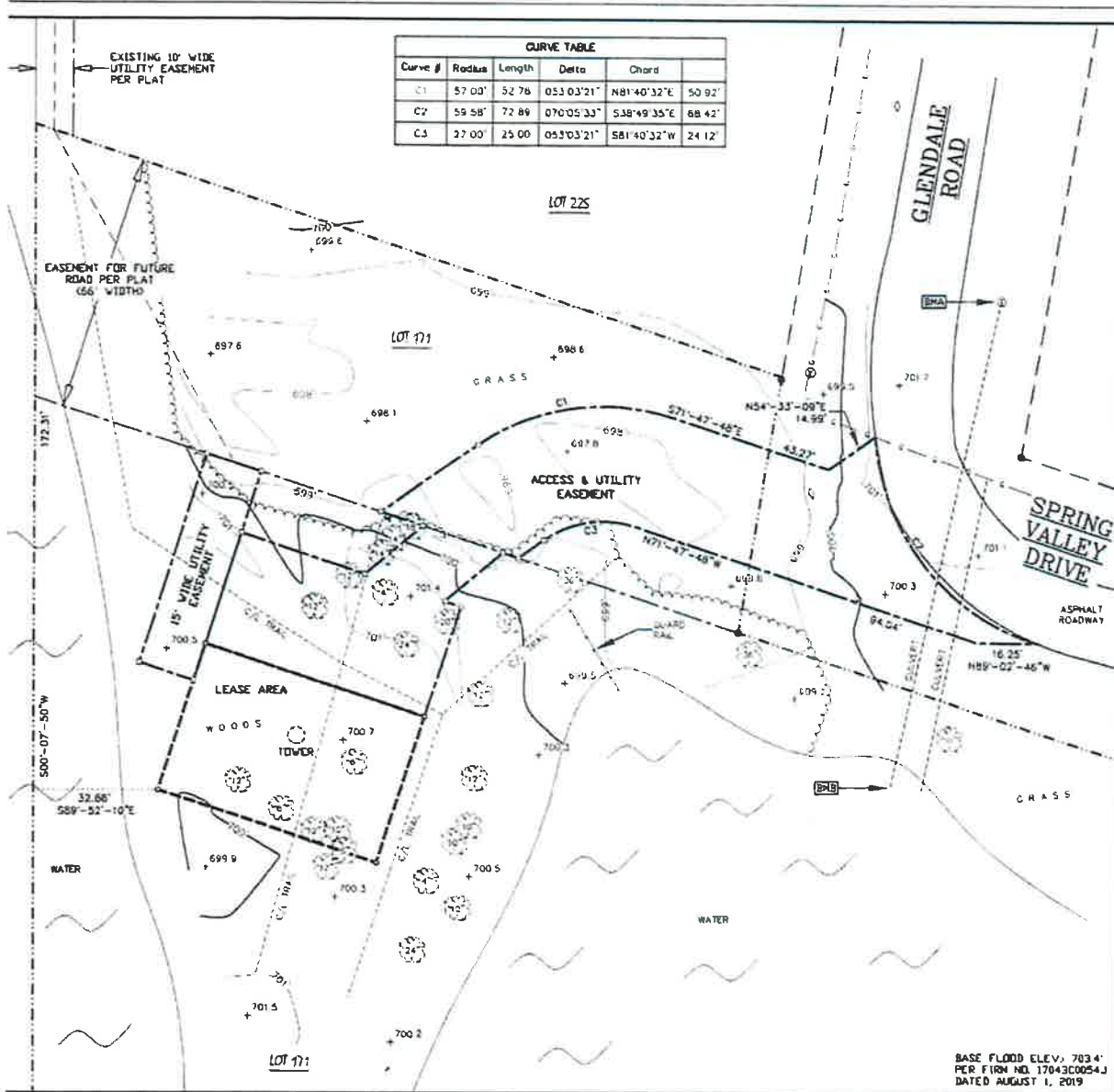
**SURVEY PLAT**  
FOR  
VB BTS II, LLC.  
LOT 171 OF BRANIGAR'S MEDINAH  
SPRING VALLEY, LOCATED IN NW1/4 OF  
SECTION 14, T. 40N., R. 10E., OF THE  
3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
10	2/28/23	Revised Easement	J.B.
9	7/13/22	Revised Easement	J.B.
8	12/14/21	Added Existing Easement into	J.B.
7	9/30/21	Added Benchmark Info	J.B.
6	3/25/21	Added New FEMA Info	J.B.
5	12/10/18	Added Text	J.B.
NO.	DATE	DESCRIPTION	BY

WN BY: J.B. FIELD WORK DATE: 10-24-18

CHECKED BY: C.A.K. FIELD BOOK: N-45 HC-49

JOB NO.: 10702 SHEET 1 OF 3



**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 1-WAY 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
- = OVERHEAD ELECTRIC
- - - = BURIED GAS LINE
- - - = PROPERTY LINE
- ⊗ = EXISTING TREE



BORNEVIEWS/CORRECTED

10/24/2018 10:24:00 AM  
DAVID J. BRANNIGAN, ILLINOIS  
NO. 021878, EXPIRES 08/01/2011

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

SURVEYED FOR:

**Edge**  
Consulting Engineers, Inc.  
624 West Street  
P.O. Box 1449  
02864-1449  
028 644 1449 voice  
028 644 1549 fax  
www.edgecon.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  
Kokomo, IN 47450 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  
P.O. BOX 564  
MEDINAH, IL 60157

PARCEL NO.: 02-14-203-001

ZONED: R

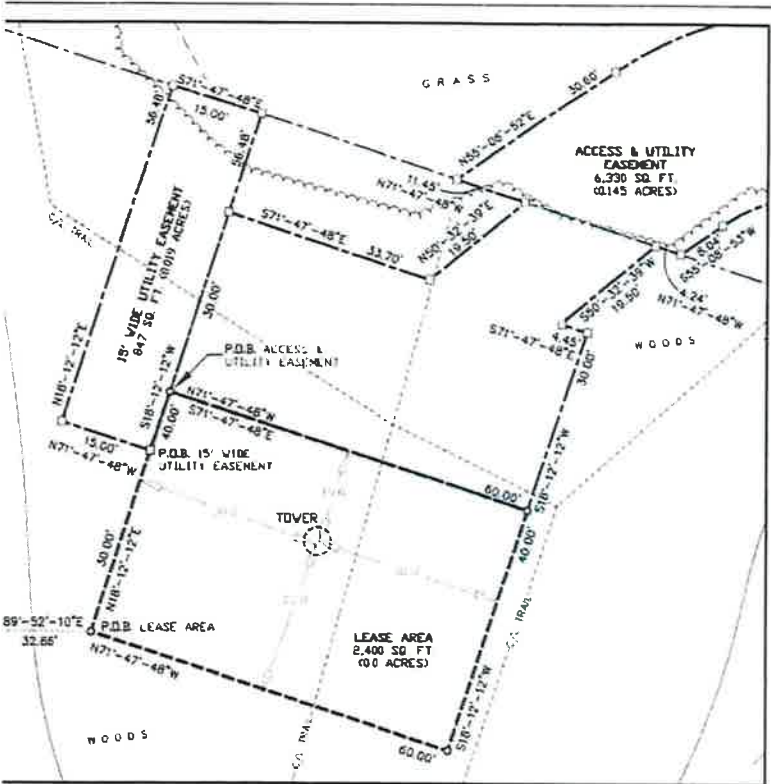
SURVEY PLAT  
FOR  
VB BTS II, LLC.  
LOT 171 OF BRANNIGAN'S MEDINAH  
SPRING VALLEY, LOCATED IN NW1/4 OF  
SECTION 14, T40N, R10E, OF THE  
3rd P.M., DUPAGE COUNTY, ILLINOIS

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

CHECKED BY: C.A.K. FIELD WORK DATE: 10-24-18

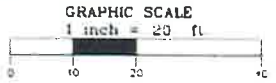
FIELD BOOK: M-49, PG 45

JOB NO.: 10702 SHEET 2 OF 3



ILLINOIS STATE PLANE COORDINATE SYSTEM (NAD 83) 2011 (11)

**SURVEYOR'S CERTIFICATE**  
 I, Craig A. Nease, Illinois Professional Land Surveyor, No. 0284, do hereby certify that the above plat was prepared by me or under my supervision and that I am a duly licensed and qualified surveyor under the laws of the State of Illinois.  
 DATE: 28th FEBRUARY 2022  
 CRAIG A. NEASE  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 0284  
 LICENSE EXPIRES NOVEMBER 30, 2024  
 I HAVE REVIEWED THE ORIGINAL RECORDING OF THIS PLAT AND I HAVE NO OBJECTIONS TO THE SAME.  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 0284  
 LICENSE EXPIRES NOVEMBER 30, 2024  
 I, CRAIG A. NEASE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 0284, DO HEREBY CERTIFY THAT I AM A DULY LICENSED AND QUALIFIED SURVEYOR UNDER THE LAWS OF THE STATE OF ILLINOIS.



- 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 TREE

**LEASE AREA**

Part of Lot 171 of Branigan'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 3<sup>rd</sup> 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 Branigan'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 3<sup>rd</sup> 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°-10'-32"E 50.92 feet; thence S71°-47'-48"E 43.27 feet; thence N54°-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°-10'-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 19.30 feet; thence S71°-47'-48"E 1.15 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 Branigan'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 3<sup>rd</sup> 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 40.00 feet to the point of beginning; thence N71°-47'-48"W 15.00 feet; thence N18°-12'-12"W 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 Branigan 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 thereto. 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  
 608.664.1449 voice  
 608.664.1597 fax  
 www.edgeconeur.com

SURVEYED FOR

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

**MERIDIAN**  
 SURVEYING, LLC

N9637 Friendship Drive Office: 920-993-6801  
 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 BRANIGAN'S MEDINAH  
SPRING VALLEY, LOCATED IN NW1/4 OF  
SECTION 14, 140N, R 10E, OF THE  
3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
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9	7/13/22	Revised Easement	J.B.
8	12/14/21	Added Existing Easement Info	J.B.
7	9/30/21	Added Benchmark Info	J.B.
6	2/25/21	Added New FEMA Info	J.B.
5	12/16/18	Added Text	J.B.
NO.	DATE	DESCRIPTION	BY

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









**LEGEND: (THIS SHEET)**

- EXISTING CONTOUR GRADES
- PROPOSED CONTOUR GRADES
- SPOT ELEVATIONS
- PROPOSED DRAINAGE PATH
- SALT FENCE
- EROSION MAT

Calculation Method  
 Prismatic  Grid Points

Calculation Options  
 Calculation: Object to Object  
 From Object: Existing Ground  
 To Object: Design

Use Quantity Depth  
 Use Range Range

Volume Calculations  
 Use Factors

Cut Volume: 47,308 CY  
 Fill Volume: 27,416 CY  
 Balance: 19,892 CY  
 Area: 824,032 SY

Output  
 Output To ASCII File  Create File

Boundary Selection  
 Use Boundary Place Select

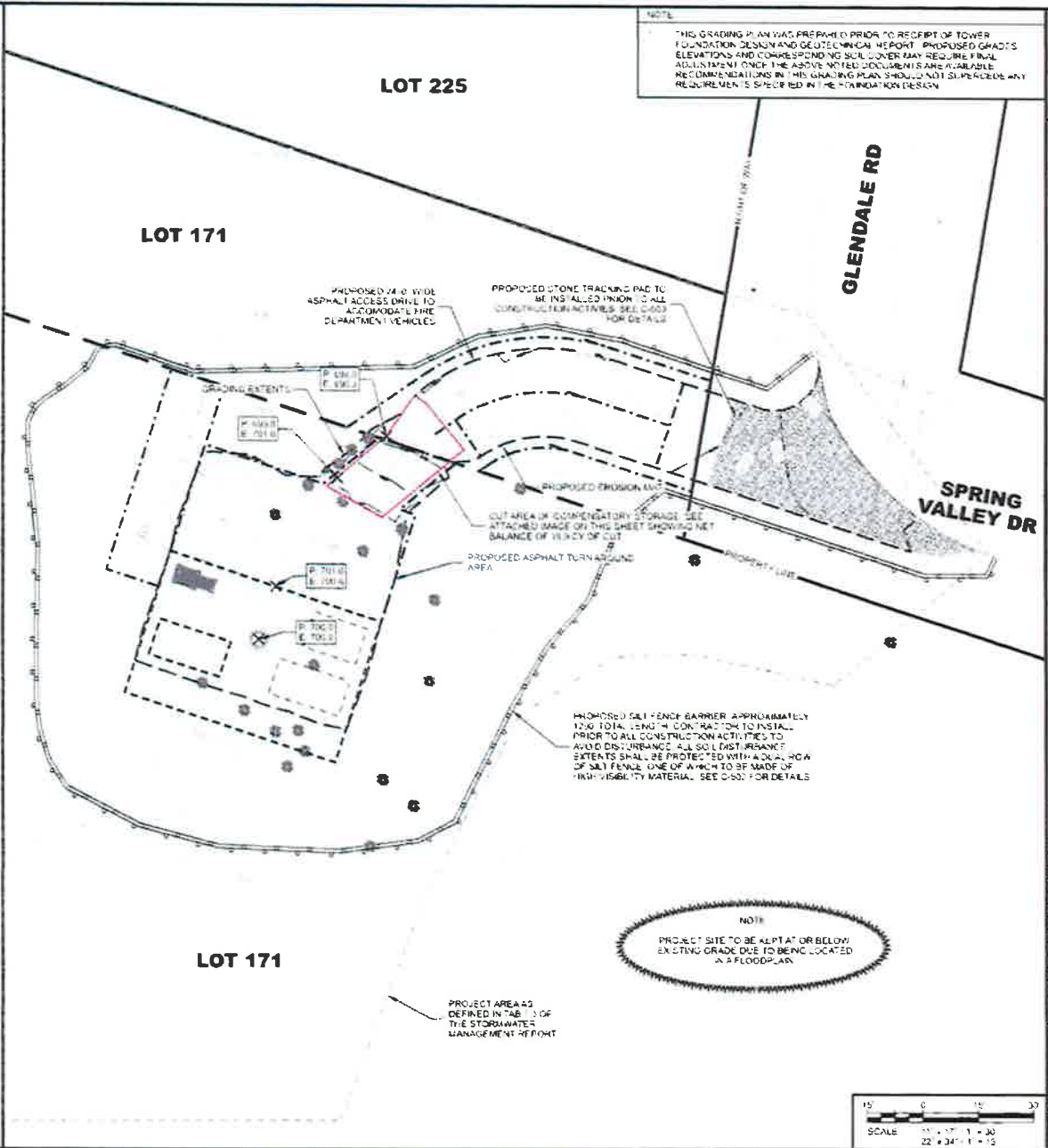
Volumes By Region Regions

Volume Polygons  
 Display Only  
 Fill Volume Polygons

Process

**GRADING NOTES: (THIS SHEET)**

- CONTOUR INTERVAL IS 1 FOOT
- CONTRACTOR SHALL MATCH EXISTING GRADE (IE - AT GRADE) FOR ENTIRE SITE
- CONTRACTOR SHALL FOLLOW ALL EROSION CONTROL MEASURES AS OUTLINED IN TAB 7 OF THE STORMWATER MANAGEMENT REPORT
- ALL DISTURBED GRASS/Turf AREAS SHALL BE RESTORED WITH TOPSOIL, SEED AND MULCH (TOPSOIL TO BE 6 INCHES MINIMUM)
- CONTRACTOR TO PERFORM MAINTENANCE AND INSPECTION OF EROSION CONTROL DEVICES AND EXPOSED GRADE THROUGHOUT CONSTRUCTION. CONTRACTOR SHALL CONTINUE MAINTENANCE AND INSPECTION UNTIL FULL VEGETATION ESTABLISHMENT AND/OR PROJECT ACCEPTANCE
- SWEEPING OF PAVEMENT SHALL BE DONE AS NEEDED TO CONTROL TRACKING SEDIMENT
- CONTRACTOR SHALL PROVIDE A DEWATERING SYSTEM PLAN FOR REVIEW IF ANY GROUNDWATER IS ENCOUNTERED EITHER PRIOR TO OR DURING CONSTRUCTION ACTIVITIES
- NO LOCKPILES MAY BE LOCATED WITHIN THE FLOODPLAIN AREAS AND SHOULD BE HAULED OFF AT THE END OF EACH WORKDAY
- ALL COMPENSATORY STORAGE SHOULD BE OPERATIONAL PRIOR TO PLACEMENT OF FILL STRUCTURES OR OTHER MATERIALS. ALL GRADING SHALL BE DONE IN A MANNER TO MAINTAIN EFFECTIVE FLOOD PLAIN STORAGE AT ALL TIMES.



**Edge**  
 Consulting Engineers, Inc.

vertical

**EROSION CONTROL PLAN**  
 CH74348L (SPRING VALLEY DR - RL)  
 MEDINAH, ILLINOIS

DATE	1/26/2023
SCALE	1" = 30'
PROJECT NO.	20553
DATE	1/26/2023
SCALE	1" = 30'
PROJECT NO.	20553
DATE	1/26/2023
SCALE	1" = 30'
PROJECT NO.	20553

**C-103**

















# FFHH-65C-R3

Antenna Type	Active
Band	Sub-6GHz
Performance Note	Sub-6GHz only
Total Input Power, maximum	320 W (320 W)

## Mechanical Specifications

RF Connector Quantity, total	4
RF Connector Quantity, low band	4
RF Connector Quantity, high band	4
RF Connector Interface	4 x SFP28
Color	Black
Grounding Type	RF connector, 100% surface conductive adhesive, metallic and non-metallic
Radiator Material	Aluminum, stainless steel, copper
Radome Material	FR-4
Reflector Material	Copper
RF Connector Location	Bottom
Wind Loading, frontal	1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz)
Wind Loading, lateral	1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz)
Wind Loading, maximum	1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz)
Wind Speed, maximum	1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz) 1500 Pa (320 W total, 2 W/MHz up to 160 MHz)

## Dimensions

Length	382 mm (15.04 in)
Width	215 mm (8.47 in)
Depth	20 mm (0.79 in)
Net Weight, without mounting kit	108.0 g (3.78 oz)

## Remote Electrical Tilt (RET) Information

Input Voltage	12 V DC
Internal RET	Yes (30° to 15° down)
Power Consumption, idle state, maximum	1 W
Power Consumption, normal conditions, maximum	1 W
Protocol	3GPP R15 (3GPP R15)
RET Interface	SFP28 (SFP28)
RET Interface, quantity	4

## PRODUCT DESCRIPTION

Band	B41 – 2496-2690 MHz
Supported Modulation schemes	(DL) BPSK, QPSK, 16 QAM, 64 QAM, 256 QAM (UL) BPSK, QPSK, 16 QAM, 64 QAM
No. of TX/RX	64TX64RX
MIMO Streams	16
Instantaneous BW	194 MHz
Occupied Bandwidth OBW	190 MHz
Total Avg EIRP	74.8 dBm
Supported bandwidths	LTE: 3x20 MHz 5G: 40/60/80/100MHz
Output Power	5 W / TRX (320 W total, 2 W/MHz up to 160 MHz)
Power Consumption	≤1330 W typical (75% DL duty cycle, 30% RF load) ≤1827 W max (75% DL duty cycle, 100% RF load)
Optical Ports	4 x SFP28 (OCTIS), 25 Gbps, eCPR
Connector Type	APPG DC Pole connector
Dimensions (H x W x D)	38.2 in x 21.5 in x 5.9 in
Weight lbs	108.0 lb
HW/SW Availability	SRAN20C/5G20B
5G NR Support	Yes
Material Description	Nokia AirScale MAA 64T64R 192AE B41 320W AEHC



AEHC 475124A



**ANTENNA SPECIFICATIONS**  
 CH74346L (SPRING VALLEY DR - RL)  
 MEDINAH, ILLINOIS

REV	DESCRIPTION
1.0	1.24.2023
2.0	20653
3.0	PERMIT DWG/C
4.0	T-001

**A** ANTENNA SPECIFICATION (LTE/600 & GSM/PCS)

**B** ANTENNA SPECIFICATION (LTE AWS+PCS)

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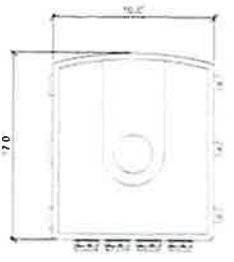




MANUFACTURER: CIRIA  
 MODEL: 2331  
 DIMENSIONS: 17.0" x 16.0" x 7.0" (H x W x D)  
 WEIGHT: 25.0 LBS



BOTTOM VIEW



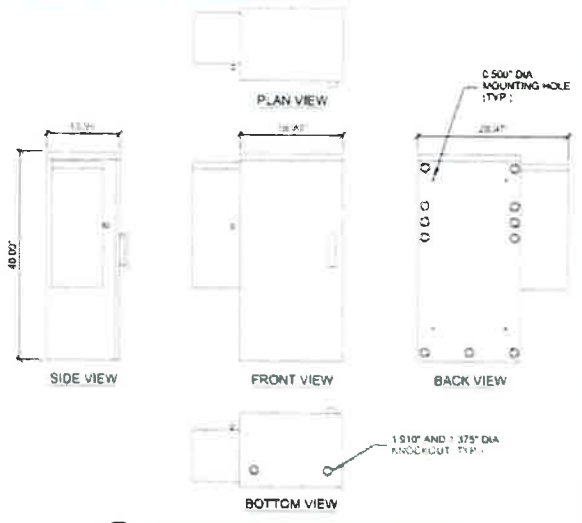
FRONT VIEW



SIDE VIEW

**A** CIENA FIBER ENCLOSURE

MANUFACTURER: DELTA  
 MODEL: 224P-12200-030  
 DIMENSIONS: 40.00" x 19.00" x 13.94" (H x W x D)



**B** POWER PROTECTION CABINET (PPC)

**NOTE:**  
 1 ALL DISCONNECTS SHALL BE LEGIBLY IDENTIFIED AND ELECTRIC PANELS SHALL HAVE A SCHEDULE CIRCUIT DIRECTORY INSIDE OR ON THE FACE OF EACH PANEL (PER NEC 110.23 & 408.4).

DATE PLOTTED: 1/24/2025 10:58:00 AM

THIS SPACE INTENTIONALLY LEFT BLANK

**Edge**  
 Consulting Engineers, Inc.  
 1140 W. STATE ST. #100  
 PRINCETON, NJ 08540  
 609.984.8800 FAX 609.984.8801  
 WWW.EDGECONSULTING.COM

---

**vertical**  
 CONSULTING ENGINEERS  
 1140 W. STATE ST. #100  
 PRINCETON, NJ 08540  
 609.984.8800 FAX 609.984.8801  
 WWW.VERTICALCONSULTING.COM

---

**UTILITY EQUIPMENT SPECIFICATIONS**  
 CH74368L (SPRING VALLEY DR - RL)  
 MEDINAH, ILLINOIS

---

DATE:	1/24/2025
BY:	KOB
CHECKED BY:	2055J
APPROVED BY:	PERMIT DWGS
PROJECT NO.:	<b>E-001</b>

**KEYNOTES: (THIS SHEET)**

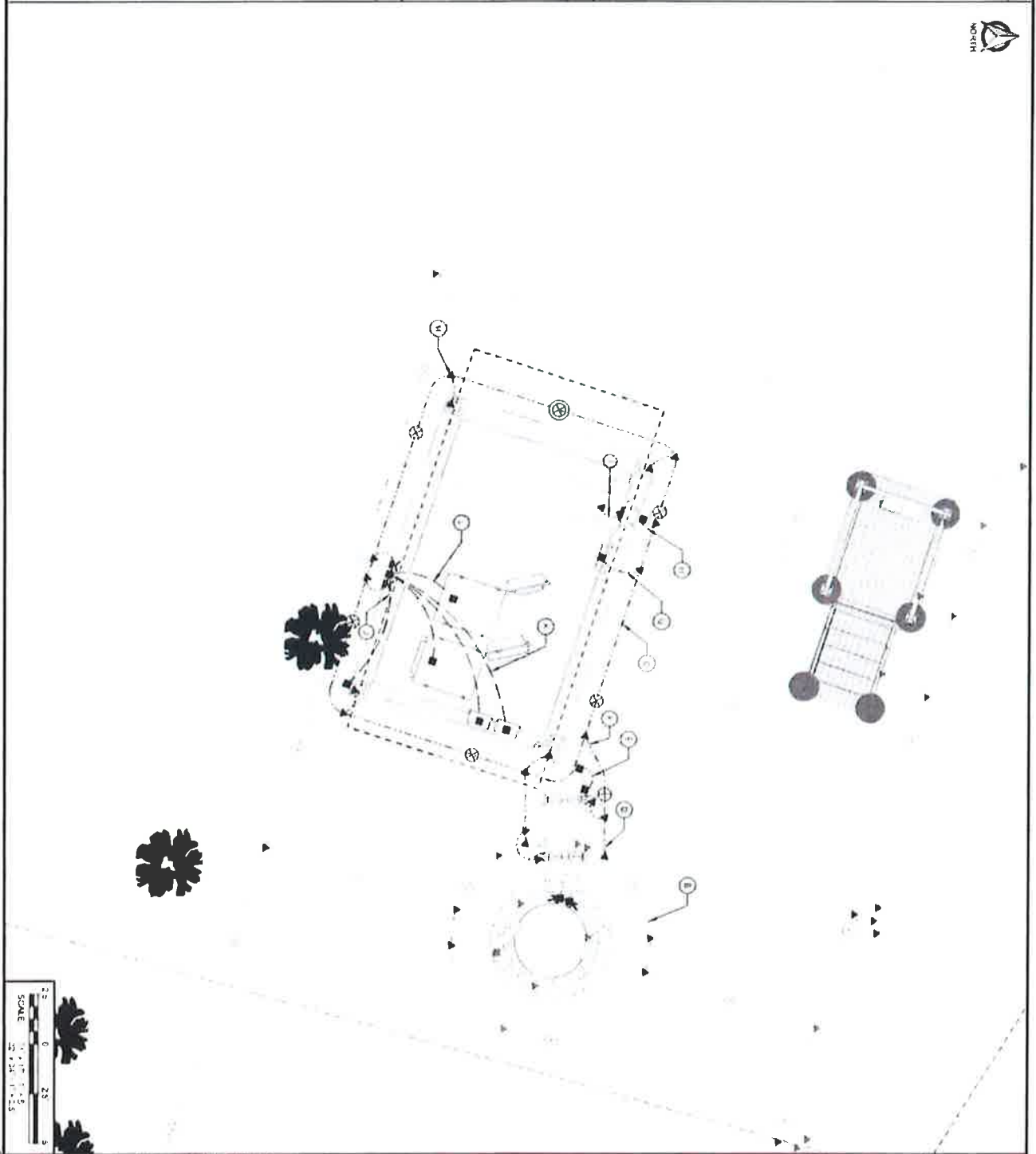
- 1 MAINTAIN 2'-FOOT CLEARANCE FROM ALL STRUCTURES
- 2 PROPOSED TOWER GROUND RING AND RING TO IDENTIFY LOCATION
- 3 EQUIPMENT PLATFORM GROUND RING IS SOLID BASE TINNED COPPER SEE E-302 FOR DETAILS
- 4 ICE BRIDGE SECTION GROUNDS SEE E-301 FOR DETAILS
- 5 BOND EQUIPMENT GROUND RING TO THE TOWER GROUND RING WITH ELECTROMETRIC CONNECTION (E-301)
- 6 CLEAN GROUND LEAD TO EQUIPMENT PLATFORM GROUND RING SEE E-301 FOR DETAILS
- 7 EQUIPMENT TRANSFER SWITCH (ATS) GROUND LEAD TO EQUIPMENT PLATFORM GROUND RING SEE E-301 FOR DETAILS
- 8 POWER PROTECTIVE CABLE (PPC) GROUND LEAD TO EQUIPMENT PLATFORM GROUND RING SEE E-301 FOR DETAILS
- 9 MAST BR GROUND BAY: SEE E-301 FOR DETAILS
- 10 GROUND MOUNTED EQUIPMENT GROUND TO MASTER GROUND BAY SEE E-301 FOR DETAILS
- 11 EQUIPMENT CABINET GROUND TO MASTER GROUND BAY SEE E-301 FOR DETAILS
- 12 GROUND LEAD FROM EQUIPMENT GROUND RING TO CANOPY STEEL POST: SEE E-301 FOR DETAILS
- 13 GENERATOR GROUND RING IS SOLID TINNED COPPER SEE E-302 FOR DETAILS
- 14 GENERATOR GROUND LEAD IS SOLID TINNED COPPER CONDUIT TO BE INSTALLED BELOW GRADE TO EQUIPMENT GROUND RING

**GROUNDING LEGEND: (THIS SHEET)**

- ▲ E-10 REFERENCE OR AL BATTED REFERENCE CONNECTION
- MECHANICAL CONNECTION
- GROUND LEAD
- ⊗ GROUND INSPECTION WELL
- ⊙ COPPER CLAD GROUND ROD (SPT 2M, 4.8 LONG); SPACE @ 1V O.C MAX
- ⊗ COPPER PLATE (1/2" x 18" x 1/8" THK) SPACE @ 10 O.C MAX

**NOTES: (THIS SHEET)**

- 1 ALL EXTERIOR GROUNDING SHALL MEET OR EXCEED THE CURRENT CODE AND WITHIN THE GROUNDING SYSTEM & CONDUCTIONS SHALL BE PROTECTED FROM TO BURN FILLING WITH RESULTS OF THE GROUNDING SYSTEM.
- 2 HIGH CONDUCTIVITY TYPE CONNECTORS SHALL BE USED FOR CONDUIT CONNECTIONS AFTER RESISTANCE CONNECTIONS SHALL BE WRAPPED WITH ELECTRICAL TAPE.
- 3 THE MECHANICAL CONNECTIONS SHALL INCLUDE ANTI-OXIDANT COMPOUND BEING USED AS A CONNECTION POINT AGAINST FUTURE OBJECT BEING CONNECTED TO THE GROUNDING SYSTEM.
- 4 GROUNDING CONDUIT SHALL BE MINIMUM 1/2" IN THE EXTENT FROM UP AND DOWN POINTS. TERMINAL CONNECTIONS SHALL NOT BE LESS THAN 90° AND THE ANGLE OF ANY BEND SHALL NOT BE SHARPER THAN 45°.
- 5 ALL ABOVE GRADE EXISTING CONNECTIONS TO GROUNDING SYSTEM SHALL BE IDENTIFIED AND GROUNDING CONDUIT TO BE INSTALLED TO THE TOP AND BOTTOM OF THE CONDUIT.
- 6 ALL ABOVE GRADE EXISTING CONNECTIONS TO GROUNDING SYSTEM SHALL BE IDENTIFIED AND GROUNDING CONDUIT TO BE INSTALLED TO THE TOP AND BOTTOM OF THE CONDUIT.
- 7 ALL ABOVE GRADE EXISTING CONNECTIONS TO GROUNDING SYSTEM SHALL BE IDENTIFIED AND GROUNDING CONDUIT TO BE INSTALLED TO THE TOP AND BOTTOM OF THE CONDUIT.
- 8 ALL ABOVE GRADE EXISTING CONNECTIONS TO GROUNDING SYSTEM SHALL BE IDENTIFIED AND GROUNDING CONDUIT TO BE INSTALLED TO THE TOP AND BOTTOM OF THE CONDUIT.
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- 14 ALL ABOVE GRADE EXISTING CONNECTIONS TO GROUNDING SYSTEM SHALL BE IDENTIFIED AND GROUNDING CONDUIT TO BE INSTALLED TO THE TOP AND BOTTOM OF THE CONDUIT.



**Edge**  
Engineering & Construction  
4400 N. W. 10th St.  
Miami, FL 33150  
Tel: 305.444.1111  
Fax: 305.444.1112

**GROUNDING PLAN**  
CH74348L (SPRING VALLEY DR - RL)  
MEDIAN, ILLINOIS

vertical

Project No.	CH74348L
Client	PERMUT SVCS
Date	2055
Sheet No.	E-101
Scale	1" = 25'
Author	
Checker	
Designer	
Engineer	
Notes	



**KEYNOTES: (THIS SHEET)**

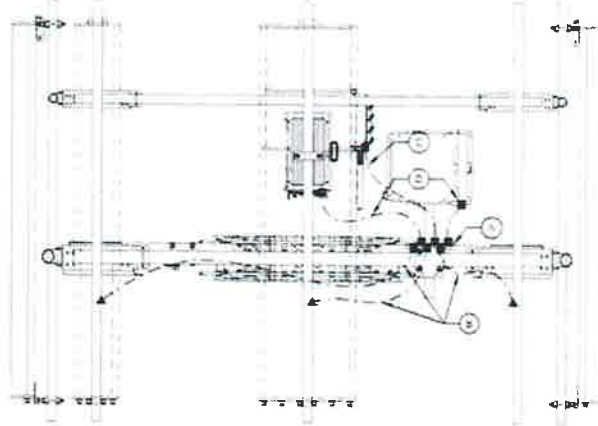
- A ANTENNA GROUND BAR FOR CONNECTION OF MULTIPLE GROUND KITS AT ONE LEVEL MOUNT TO TOWER STEEL (TYP. PER SECTOR)
- B MAST PIPE GROUND #2 SOLID INSULATED CONNECTION TO GROUND BAR WITH 2-HOLE LONG BARREL LUG (TYP.)
- C HYBRID BREAKOUT BOX GROUND #2 STRANDED INSULATED CONNECTION TO GROUND BAR WITH 2-HOLE LONG BARREL LUG
- D REMOTE RADIO GROUND #6 STRANDED INSULATED CONNECTION TO GROUND BAR WITH 2-HOLE LONG BARREL LUG (TYP.)
- E MASTER GROUND BAR (MGB) MOUNTED HORIZONTALLY TO EQUIPMENT PLATFORM ON INSULATORS
- F #2 SOLID TINNED COPPER GROUNDS ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE FROM MGB TO EQUIPMENT GROUND RING (TYP. OF 2)
- G EQUIPMENT CABINET GROUND #6 STRANDED INSULATED CONNECTION TO MGB WITH 2-HOLE LONG BARREL LUG (TYP.)
- H AMPLIFIER GROUND #6 STRANDED INSULATED CONNECTION TO MGB WITH 2-HOLE LONG BARREL LUG (TYP.)
- I FLEXI RADIO GROUND #6 STRANDED INSULATED CONNECTION TO MGB WITH 2-HOLE LONG BARREL LUG
- J GWS GROUND TO ICE CANOPY POST
- K ICE BRIDGE POST GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE (TYP.)
- L ICE BRIDGE SECTION GROUND #2 STRANDED INSULATED WITH 2-HOLE LONG BARREL ON EACH END (TYP.)
- M ICE BRIDGE SECTION TO POST GROUNDS #2 STRANDED INSULATED WITH 2-HOLE LONG BARREL ON SECTION (TYP.), ORIENT LEAD WITH HIGH SIDE TOWARDS TOWER
- N EQUIPMENT PLATFORM GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE (TYP.)
- O ICE CANOPY POST GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE (TYP.)
- P ICE CANOPY TO ICE CANOPY POST GROUND #2 SOLID TINNED COPPER (TYP.)
- Q POWER PROTECTION CABINET (PPC) GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE
- R AUTOMATIC TRANSFER SWITCH (ATS) GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE
- S SIGNAL GROUND #2 SOLID TINNED COPPER ENCASED IN LIQUID-TIGHT FLEXIBLE NON-METALLIC CONDUIT TO 24" BELOW GRADE

**GROUNDING LEGEND: (THIS SHEET)**

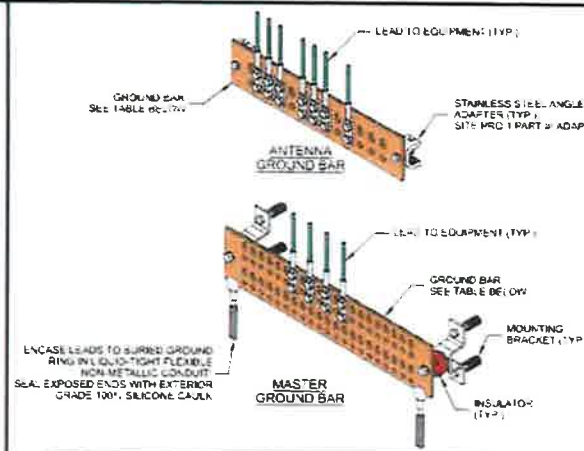
- ▲ EXOTHERMIC OR UL RATED IRREVERSIBLE CONNECTION
- MECHANICAL CONNECTION
- GROUND LEAD

**NOTES: (THIS SHEET)**

- 1 ALL BELOW-GRADE CONNECTIONS ARE TO BE EXOTHERMICALLY WELDED A MINIMUM OF 48" BELOW GRADE
- 2 ALL LEADS EXTENDING ABOVE GRADE TO BE ENCASED IN 3/4" CONDUIT AND EXTEND A MINIMUM OF 6" ABOVE FINISHED GRADE AND 24" BELOW FINISHED GRADE
- 3 APPLY COLD GALVANIZATION TO ALL ABOVE-GROUND EXOTHERMICALLY WELDED CONNECTIONS
- 4 APPLY ANTI-OXIDANT COMPOUND TO ALL MECHANICAL CONNECTIONS
- 5 UPPER AND LOWER TOWER GROUND BARS TO BE BONDED DIRECTLY TO TOWER STEEL WITH #2 CONDUCTORS
- 6 AIR TERMINAL TO EXTEND 2" ABOVE HIGHEST ANTENNA MAIN OR MAST PIPE MECHANICALLY FASTEN AIR TERMINAL TO MAST PIPE MAST PIPE TO BE MECHANICALLY CONNECTED TO TOWER STEEL
- 7 ALL METAL FRAMING AND GROUNDING ELECTRODES PRESENT SHALL BE BONDED TO THE ELECTRICAL GROUNDING SYSTEM SUBJECT TO COUNTY INSPECTION

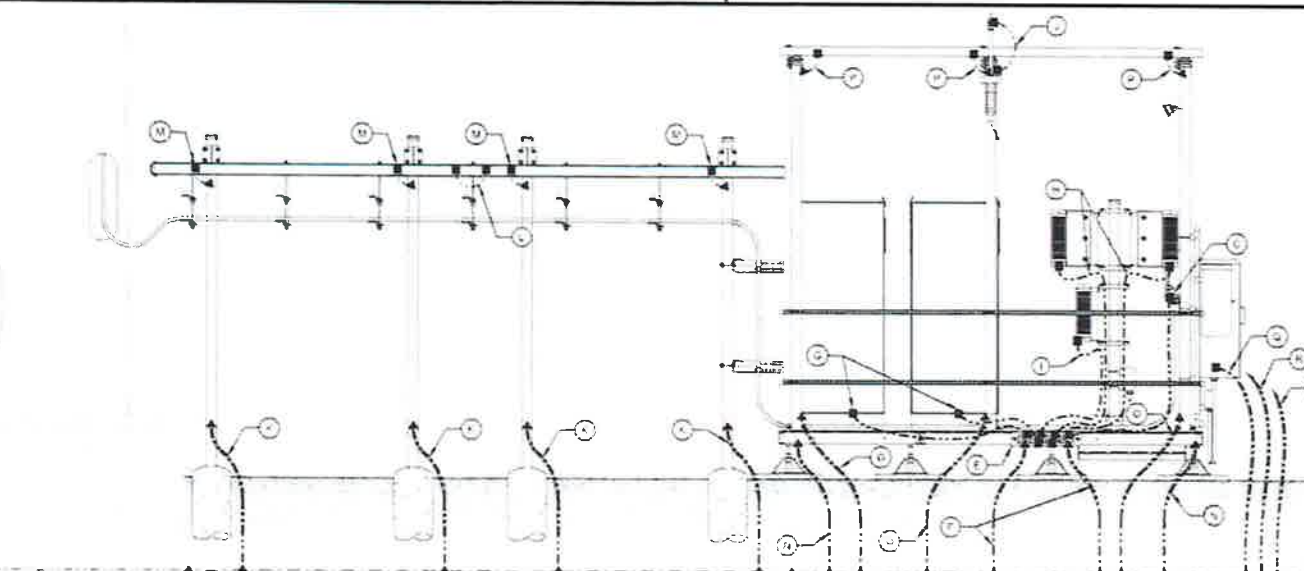


**A ANTENNA LEVEL GROUNDING**



GROUND BAR SCHEDULE	
MASTER GROUND BAR	1 1/2" x 4" x 12" GROUND BAR WITH INSULATORS AND BRACKETS SIZED FOR 42 SETS OF 2-HOLE LUGS SITE PRO PART # MGB12X4 OR EQUIVALENT
ANTENNA GROUND BAR	1 1/2" x 2" x 12" GROUND BAR SIZED FOR 21 SETS OF 2-HOLE LUGS SITE PRO PART # MGB12X2 OR EQUIVALENT

**C GROUND BAR**



**B SITE GROUNDING**

**Edge**  
 1000 N. W. 10th St.  
 Ft. Lauderdale, FL 33304  
 Tel: 954-575-1111  
 Fax: 954-575-1112  
 www.edgecorp.com

**vertical**  
 1000 N. W. 10th St.  
 Ft. Lauderdale, FL 33304  
 Tel: 954-575-1111  
 Fax: 954-575-1112  
 www.vertical.com

**GROUNDING DETAILS**  
 CH74346L (SPRING VALLEY DR - RL)  
 MEDINAH, ILLINOIS

PROJECT NO.	
DATE	
BY	
CHECKED BY	
DATE	
SCALE	
PROJECT	KGB
DATE	1/24/2023
PROJECT NO.	20553
DATE	
PROJECT	PERMIT DWGS
PROJECT NUMBER	<b>E-501</b>













**Dykema Gossett PLLC**

2300 Cabot Drive  
Suite 505  
Lisle, IL 60532

WWW.DYKEMA.COM

Tel: (630) 245-0400

Fax: (630) 245-0140

**Bruce L. Goldsmith**

Direct Dial: (630) 577-2811

Direct Fax: (855) 261-8765

Email: BGoldsmith@dykema.com

**CORRECTED NOTICE OF APPEAL  
OF FINAL ADMINISTRATIVE DECISION BY DUPAGE  
COUNTY BUILDING AND ZONING DEPARTMENT ON JULY 10, 2023  
UNDER ILLINOIS ADMINISTRATIVE  
REVIEW LAW, 735 ILCS 5/3-101 et. seq.**

**TO:** Jim Stran, Building & Zoning Dept. Manager  
DuPage County

**FROM:** Bruce L. Goldsmith, Attorney for  
VB BTS II, LLC (Vertical Bridge)

**RE:** Issuance of the building permit for the construction of a cell tower and access  
drive based on the Building Code Section 8-112.6 Access Drive and Culvert:  
Exception

**DATE:** July 19, 2023

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Based on our conversations with Nicholas Alfonso, Assistant State's Attorney, our client VB BTS II, LLC ("Vertical Bridge") is appealing the decision of July 10, 2023, on the grounds that the County can apply the Exception without an access permit being issued by Bloomingdale Township for the following reasons:

It is Vertical Bridge's understanding that the Plans resubmitted have been approved by the County, subject only to the issuance of an Access Permit from Bloomingdale Township. Vertical Bridge takes the position that the Township Access Permit over what the County references to as the "Access Drive" (the land between Lot 171 owned by MSVL and the pavement of Glendale Road/Spring Valley Drive) requires an access permit. Vertical Bridge contends that this permit is unnecessary as the Township has conceded that no permit is needed over the Access Drive in its Final Administrative Decision of April 12, 2023. The exact reference is as follows: "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." Nonetheless, the Township continues to argue that it owns the 66' easement area over Lot 171, which the County's GIS Map clearly establishes is only an easement area over LOT 171 and not corporate property of the Township.

In support of this appeal, Vertical Bridge is relying on the following documents:

1. Letter from Mr. Goldsmith to Mr. Alfonso, dated June 26, 2023 (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
2. Letter from Mr. Goldsmith to Messrs. Hoss and Tornatore, dated June 23, 2023 (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
3. Exhibit A to Letter from Mr. Goldsmith to Messrs. Hoss and Tornatore (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*), which is:
  - (a) Email chain (3 pages): Mr. Goldsmith's emails to Mr. Alfonso, dated May 1, 2023; Mr. Alfonso's email to Mr. Goldsmith, dated May 1, 2023; and Mr. Alfonso's email to Mr. Goldsmith, dated May 11, 2023 rejecting Vertical Bridge's May 1, 2023 request for a building permit; and
  - (b) Email chain (5 pages) : Mr. Goldsmith's email to Mr. Alfonso, dated May 1, 2023; Mr. Alfonso's email to Mr. Goldsmith, dated May 1, 2023, requesting that the letter be resent with the proper date; Mr. Goldsmith's email to Mr. Alfonso, May 1, 2023; Mr. Alfonso's email to Mr. Goldsmith dated May 11, 2023; Mr. Goldsmith's emails to Mr. Alfonso, dated May 17, 2023; Mr. Alfonso's email to Mr. Goldsmith, dated May 18, 2023; and Mr. Alfonso's email to Mr. Goldsmith, dated June 6, 2021.
4. Mr. Goldsmith's letter to Mr. Conway enclosing a check in the amount of \$7000 from Vertical Bridge to Bloomingdale Township, with copy of check (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
5. Entrance Permit/Bond Application Re-submittal from Vertical Bridge, which includes the original *application* (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
6. Affidavit of Johnny R. Crawford, dated May 19, 2023 (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
7. Affidavit of Kenneth C. Baumgardt, dated May 22, 2023 (*already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso*).
8. Building permit package to DuPage County, dated September 24, 2020, which includes Vertical Bridge Plans prepared by Edge and signed on January 26, 2023 that includes a survey correcting the Easement area to show that MSVL owns it and is consistent with the County's GIS map, and the construction access road is asphalt instead of crushed

stone *(already submitted pursuant to email, dated July 18, 2023, from Assistant State's Attorney Nicholas V. Alfonso)*.

9. Final Administrative Decision from Bloomingdale Township with exhibits *(submitted with this Notice of Appeal)*.
10. Snipped Image of current GIS Map page depicting the Subject Property that was published on March 2, 2023 *(submitted with this Notice of Appeal)*.

**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

**ENTRANCE PERMIT/BOND  
BLOOMINGDALE TOWNSHIP  
ROAD DISTRICT**

NAME VB BTS II, LLC (Vertical Bridge)  
ADDRESS 750 Park of Commerce Drive, Suite 200  
Boca Raton, Florida 33487  
PHONE # (561) 923-0724

DATE March 3, 2023  
PERMIT # \_\_\_\_\_  
RESIDENTS NAME Daniel Kalina  
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 District 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 additions

*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   
Adam Ginder, VP

**ENTRANCE BOND RECEIPT**

Receipt of \$ \_\_\_\_\_ has been presented this date \_\_\_\_\_ to  
Bloomington Township Road District, 6N030 Rosedale Avenue, Bloomington, IL 60108 #630-529-5221

SIGNATURE OF ROAD DISTRICT AUTHORITY \_\_\_\_\_

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

SURVEYED FOR:  
**Edge**  
 Consulting Engineers, Inc.  
 624 New Street  
 Mobile AL 36688  
 205.441.1499  
 205.441.1499 fax  
 www.edgeconsulting.com

SURVEYED FOR:  
**verticalbridge**  
 750 PARK OF COMMERCE DRIVE  
 BOCCA RATON, FL 33487

**MERIDIAN**  
 SURVEYING, LLC  
 19857 Friendship Drive Office: 920-963-0881  
 Fort Lauderdale, FL 33309 Fax: 920-773-8057

SITE NAME:  
 LAKEVIEW  
 SITE NUMBER:  
 US-11-5857  
 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
10	12/28/23	Revised Easement
9	12/12/22	Revised Easement
8	12/14/21	Added Existing Easement Info
7	12/10/21	Added Benchmark Info
6	12/28/21	Added New FEMA Info
5	12/10/18	Added Text
4		ASSET
3		DESCRIPTION
2		DATE
1		BY

DATE: 10-24-18  
 DRAWN BY: J.E.  
 CHECKED BY: C.A.K.  
 JOB NO.: 10702  
 SHEET 2 OF 3

**SURVEY NOTES:**

- THE LOCATION OF THE EXISTING UTILITIES, AS SHOWN ON THIS PLAT, ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACTUAL LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE WORK AND SURVEYING SHALL NOT BE GUARANTEED FOR ANY DISCUSSION OR INTERFERENCE FROM THE LOCATION SHOWN.
- JOB TICKET NO. 4002902204.
- ACCORDING TO FEDERAL AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "A", AND COMMUNITY PANEL NO. 1704300054, DATED AUGUST 1, 2019, AND IS IN A SPECIAL FLOOD HAZARD AREA. ZONE "A" 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 ENCUMBRANCES 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 BOUNDS ARE BROADER THAN THE SURVEY DEPICTION PER THE OPTION AND LEASE AGREEMENT.
- NO ADDITIONAL FIELDWORK WAS PERFORMED SINCE 10-24-2018. ANY CHANGES TO THE PLAT SHALL BE MADE BY THE SURVEYOR THROUGH IMPROVING OR DIFFERENT SITE CONDITIONS FROM THAT DATE.

**LEGEND**

- 1" X 1/2" IRON PIPE SET
- 1" IRON PIPE FOUND
- 6" NAL. SET
- ⊕ EXISTING POWER POLE
- ⊕ GAS VALVE
- ⊕ STORM INLET
- ⊕ SIGN
- ⊕ WOOD LAIR
- ⊕ OVERHEAD ELECTRIC
- ⊕ BURIED GAS LINE
- ⊕ PROPERTY LINE
- ⊕ EXISTING TREE

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

**PROFESSIONAL LAND SURVEYOR**  
 STATE OF ILLINOIS  
 JAMES M. KENNEDY  
 003-5700  
 10-24-2018

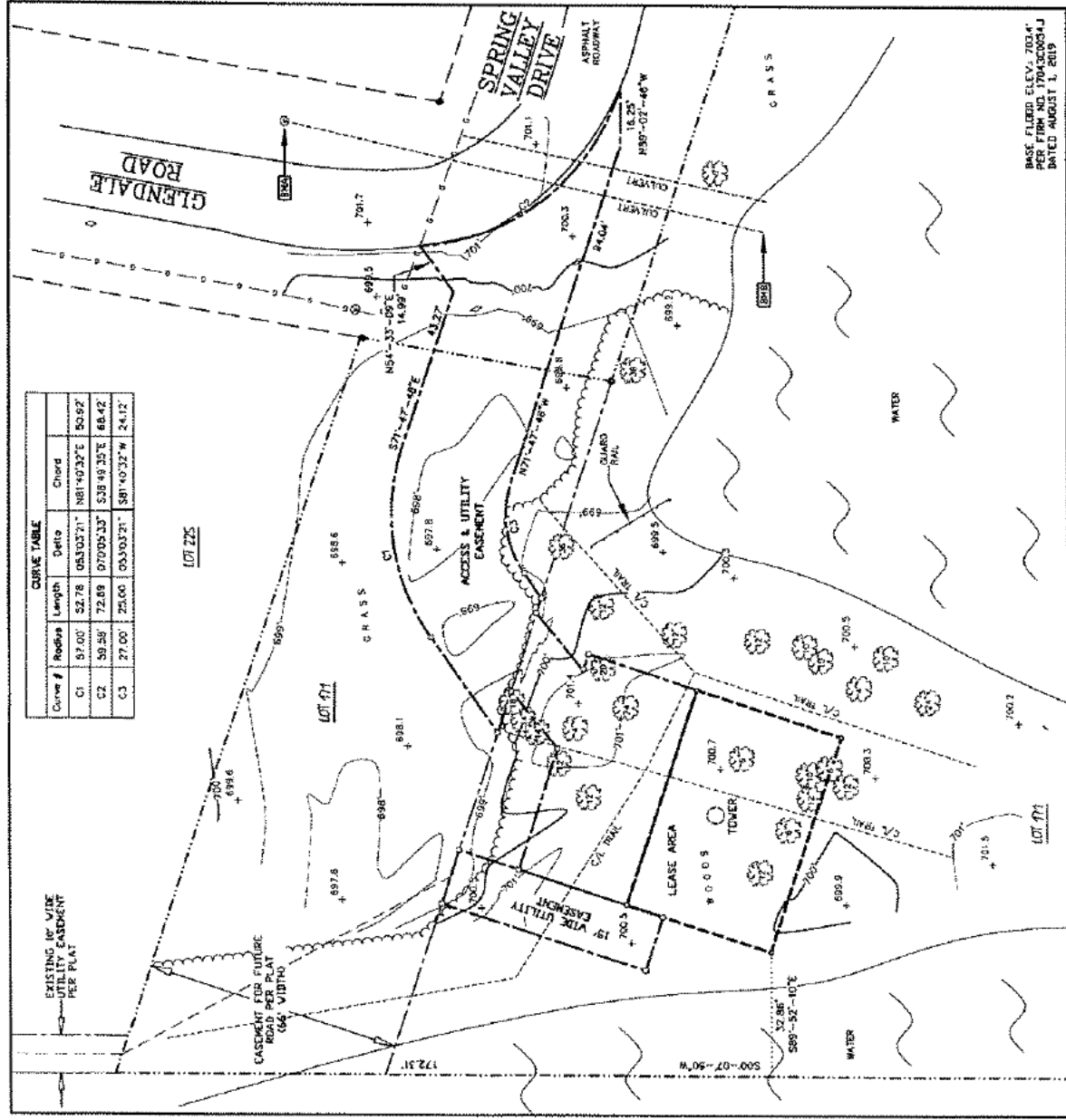
PREVIOUS CERTIFICATE  
 I, C. A. K. KENNEDY, LICENSED PROFESSIONAL LAND SURVEYOR of Meridian Surveying, LLC, certify that I have surveyed the described property and that the information is true and correct to the best of my knowledge and belief.

Dated this 24th day of February 2023

STATE OF ILLINOIS  
 DEPARTMENT OF LAND SURVEYING  
 LICENSE EXPIRES NOVEMBER 30, 2021

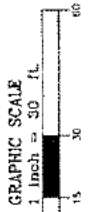
IL SURV. 003-5700-0001  
 LICENSE EXPIRES AUG. 31, 2023

THIS PROFESSIONAL SURVEY DOCUMENTS TO THE CATCH BASIN AND 15' WIDE UTILITY EASEMENT FOR A BOUNDARY SURVEY.



**CURVE TABLE**

Curve #	Radius	Length	Delta	Chord
C1	87.00'	52.78'	053°03'21"	N81°40'32"E 50.92'
C2	59.58'	72.88'	070°05'33"	S58°49'35"E 88.42'
C3	27.00'	25.00'	053°03'21"	S81°40'32"W 24.12'



**BENCHMARK INFORMATION**  
 SITE BENCHMARK: (BM B)  
 SET CHISSEL "X" ON WEST  
 RIM OF CATCH BASIN  
 ELEVATION: 699.77'  
 ELEVATION: 700.70'

BASE FILED ELEV. 703.4'  
 PER FIRM NO. 1704300054  
 DATED AUGUST 1, 2019

**Edge Consulting Engineers, Inc.**  
 624 Maple Road  
 Peoria, IL 61614  
 309.694.1400  
 www.edgeconsulting.com

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

**MERIDIAN SURVEYING, LLC**  
 89637 Friendship Drive  
 Kaukaun, WI 54130  
 Office: 920-993-0881  
 Fax: 920-273-6037

**SITE NAME:**  
LAKEVIEW

**SITE NUMBER:**  
US-IL-5857

**SITE ADDRESS:**  
SPRING VALLEY DR.  
MEDIHIAH, IL 60157

**PROPERTY OWNER:**  
MEDIHIAH SPRING VALLEY LAKE INC.  
PO BOX 584  
MEDIHIAH, IL 60157

**PARCEL NO.:** 02-14-203-001  
**ZONED:** R

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

NO.	DATE	DESCRIPTION
10	2/28/23	Revised Easement
9	7/13/22	Revised Easement
8	12/14/21	Added Existing Easement Info
7	9/30/21	Added Benchmark Info
6	3/25/21	Added New FEMA Info
5	12/20/18	Added Text
4		DESCRIPTION

**DRAWN BY:** J.B.  
**DATE:** 10-24-18  
**CHECKED BY:** C.A.K.  
**FIELD BOOK:** M-43, PG. 49  
**SHEET:** 3 OF 3

**1 EAST AREA**  
 Part of Lot 171 of Branigar's Medhiah 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 2.100 square feet (0.035 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence S09°-07'-58"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 encumbrances of record.

**ACCESS AND UTILITY EASEMENT**  
 Part of Lot 171 of Branigar's Medhiah 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 0.145 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence S09°-07'-58"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°-12'-39"E 19.50 feet; thence N71°-47'-48"W 11.43 feet; thence N55°-08'-52"E 30.60 feet to the beginning of a curve to the right; thence 52.78 feet along the arc of said curve to the right having a radius of 57.00 feet and a chord which bears N81°-48'-32"W 50.92 feet; thence S71°-47'-48"E 43.27 feet; thence N51°-53'-09"E 14.99 feet to the beginning of a non-tangent curve to the left; thence 72.59 feet along the arc of said curve to the left having a radius of 59.98 feet and a chord which bears S38°-49'-35"E 68.42 feet; thence N89°-02'-48"W 16.25 feet; thence N71°-47'-48"W 94.04 feet to the beginning of a curve to the left; thence 25.80 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'-52"E 8.04 feet; thence N71°-47'-48"W 4.24 feet; thence S59°-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 encumbrances of record.

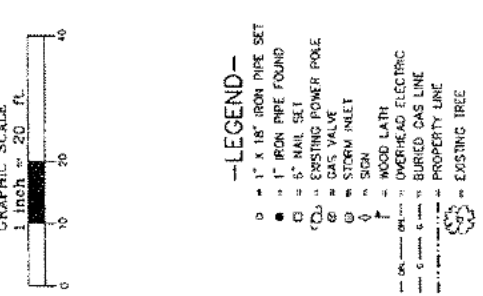
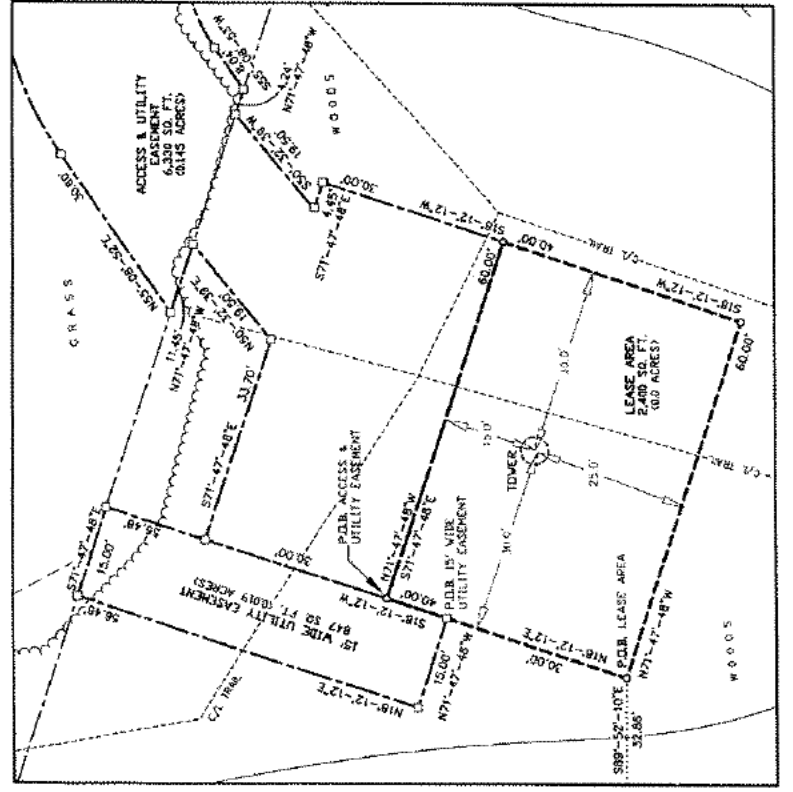
**15 FOOT WIDE UTILITY EASEMENT**  
 Part of Lot 171 of Branigar's Medhiah Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 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 S09°-07'-58"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 encumbrances of record.

**PARENT PARCEL**  
 Villages of Russell 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 3rd Principal Meridian, in Dupage County, Illinois.

AND BEING a portion of the same property conveyed to Medhiah 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:** Fidelity National Title Insurance Company  
**COMMITMENT NO.:** 28051142  
**EFFECTIVE DATE:** October 10, 2018  
**THE SINGLE TITLE VESTED IN:** Medhiah Spring Valley Lake, Inc., an Illinois corporation  
**NOTE:** The Statement of Applicability refers to the Lease Site and any Easements pertinent Thereto. Where Specific Encumbrances affect the Lease Site and/or a Pertinent Easement, they are identified as such.  
 Schedule 11-H  
 (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. R87-14831. This easement expired in 1989, does not apply.



**PROFESSIONAL LAND SURVEYOR**  
 MERIDIAN SURVEYING, LLC  
 89637 FRIENDSHIP DRIVE  
 KAUKAUN, WI 54130  
 LICENSE NO. 03-00385  
 EXPIRES 12/31/2023

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

**DATE:** 10/24/18  
**BY:** J.B.

**STATE OF ILLINOIS**  
 DEPARTMENT OF STATE  
 LAND SURVEYING DIVISION  
 100 N. LAUREL STREET, 11TH FLOOR  
 SPRINGFIELD, IL 62762  
 TEL: 217-786-2222  
 FAX: 217-786-2223  
 WWW.LANDSURVEYING.IL.GOV

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

2-88

**Bank of America**  
Chicago, Illinois

1166

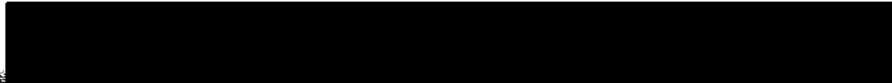
2-3/710 IL  
GLOBE

Details on Back  
Security Features Included

DATE March 14, 2023

PAY Five Hundred and 00/100ths DOLLARS \$ 500.00

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



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

# GROUP EXHIBIT 2

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

Illinois  
Limited Liability Company Act  
**Application for Admission to  
Transact Business**

**SUBMIT IN DUPLICATE**

Type or print clearly.

FILE #

This space for use by Secretary of State.

**FILED**

**MAR 21 2023**

**ALEXI GIANNOULIAS**  
SECRETARY OF STATE

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.

Filing Fee: \$150

Penalty: \$ 2500

Approved: me

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:  
(P.O. Box alone or c/o is unacceptable.)

600 South Second Street, Suite 404

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

  
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 "LP." 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.

**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 Signatures: 1  
 Certificate Pages: 1 Initials: 0  
 AutoNav: Enabled  
 EnvelopeId Stamping: Enabled  
 Time Zone: (UTC-05:00) Eastern Time (US & Canada)

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**

Dan Marinberg  
 dan.marinberg@verticalbridge.com  
 SVP & General Counsel  
 Vertical Bridge Holdings  
 Security Level: Email, Account Authentication  
 (None)

**Signature**

DocuSigned by:  
  
 2FEE49A3F4E8420...

Signature Adoption: Pre-selected Style  
 Using IP Address: 64.152.139.150

**Timestamp**

Sent: 3/20/2023 1:29:55 PM  
 Viewed: 3/20/2023 1:30:30 PM  
 Signed: 3/20/2023 1:30:34 PM

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  
 Certified Delivered Security Checked  
 Signing Complete Security Checked  
 Completed Security Checked

3/20/2023 1:29:55 PM  
 3/20/2023 1:30:30 PM  
 3/20/2023 1:30:34 PM  
 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](#)

This information was printed from [www.ilsos.gov](http://www.ilsos.gov), the official website of the Illinois Secretary of State's Office.

Mon Apr 10 2023

# GROUP EXHIBIT 3







Permit Case No. 2023-49

# EXHIBIT 4



Permit Case No. 2023-49

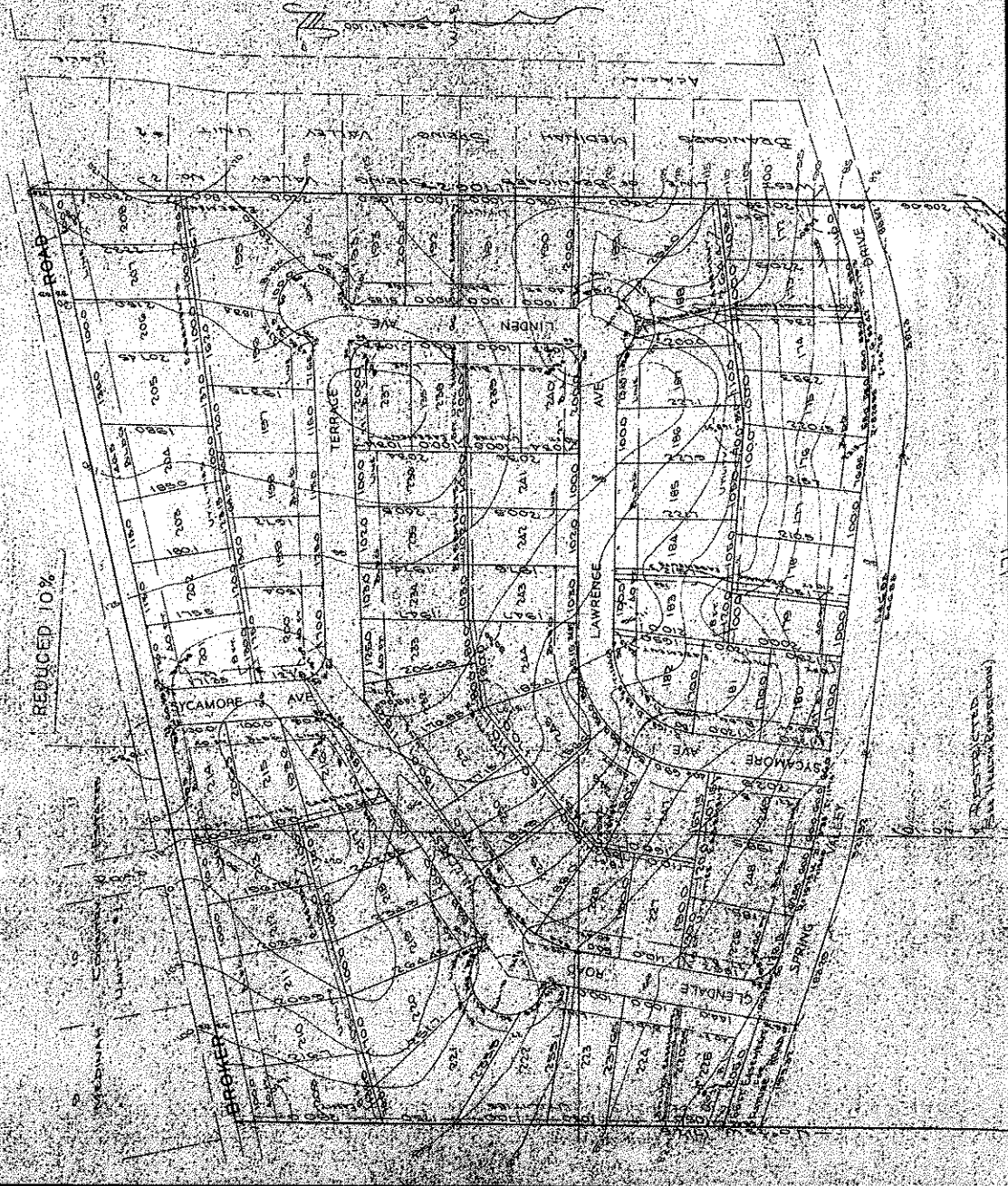
# EXHIBIT 5

# BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

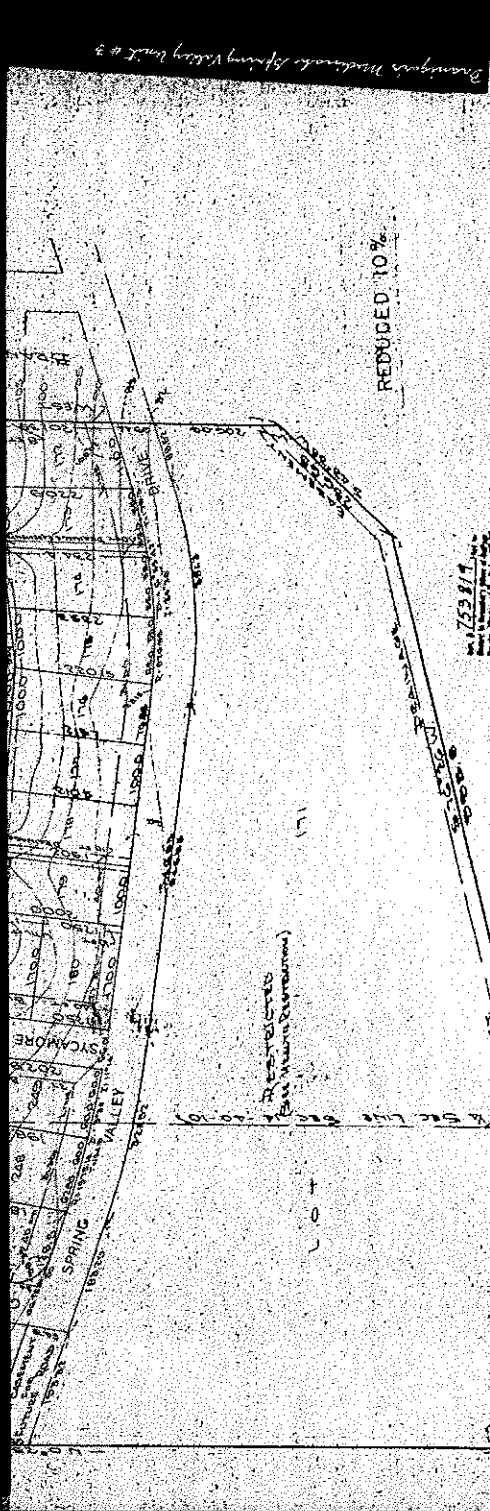
RECORD MAP OF THE MEDINAH SPRING VALLEY, IN SUIPER COUNTY, ILLINOIS.

REDUCED 10%



*For Volume 1 Plat and Copy 101 a  
From Vol. of Branigar's Medinah Spring Valley, Unit No. Three, Plat 101*

*Doc. # 753819  
Plat 101*



STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 THIS IS TO CERTIFY THAT EDGAR C. FERRIER, 222 E. ILLINOIS  
 LABOR SERVICE CO., 334 N. LAKE STREET HAS SURVEYED THE FOLLOWING  
 DESCRIBED PROPERTY:

THAT PART OF SAID TRACT OF LAND KNOWN AS THE TRACT OF LAND  
 AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID TRACT  
 BORNED AND ADJACENT TO THE NORTH QUARTER CORNER OF SAID TRACT  
 OF SAID SAUNDERS AND NORTH QUARTER CORNER OF SAID TRACT  
 VALLEY (THIS BEING 21.75 FEET SOUTH OF THE POINT OF INTERSECTION  
 THENCE SOUTH 28.56 WEST 99.5 FEET TO A POINT IN THE SOUTH  
 WEST CORNER OF THE NORTH QUARTER CORNER OF SAID TRACT  
 THENCE SOUTH OF SAID POINT ON SAID QUARTER SECTION LINE 51.5  
 FEET WEST 115.5 FEET MORE OR LESS TO THE CORNER LINE OF  
 SAID TRACT ADJACENT TO THE WEST LINE OF SAID TRACT  
 SAID CENTER LINE AND QUARTY LINE OF SAID QUARTER SECTION  
 CENTER LINE 21.75 FEET TO THE PLACE OF BEGINNING. 171 ACRES  
 COUNTY, ILLINOIS.

AS SHOWN BY THE ABOVE PLAT WHICH IS A CORRECT AND TRUE COPY  
 OF THE ORIGINAL PLAT AND BEING THE PROPERTY OF EDGAR C. FERRIER  
 OF SAID COUNTY I HAVE THEREON SET MY SEAL AND SIGNED THESE  
 OFFICIAL RECORDS IN WITNESS WHEREOF I HAVE SET MY SEAL AND  
 SIGNED THESE OFFICIAL RECORDS AT THE PLACE OF THE SAID OFFICE  
 AS SHOWN ON THE ABOVE PLAT EXCEPT FOR THOSE DISTRICTS  
 SHOWN ON THE THREE CO-ORDINATES WHICH ARE AND BELONG TO THE  
 COUNTY OF ILLINOIS.

GIVEN UNDER MY HAND AND SEAL AT BRANTON, ILLINOIS  
 LIBERTY DAY OF APRIL, A. D. 1955

GIVEN UNDER MY HAND AND SEAL AT BRANTON, ILLINOIS  
 LIBERTY DAY OF APRIL, A. D. 1955

APPROVED AND ACCEPTED THIS 17th DAY OF APRIL  
 BOARD OF SUPERVISORS OF SAID COUNTY  
 ATTEST:  
 CLERK

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 THIS IS TO CERTIFY THAT ALL  
 MATTERS PERTAINING TO THE ABOVE DESCRIBED PROPERTY IN THE  
 COUNTY OF ILLINOIS, IN SO FAR AS THEY PERTAIN TO THE ABOVE PLAT HAVE BEEN  
 COMPLETED.

DATED THIS 17th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 I, O. B. BOB, COUNTY SUPERVISOR OF DU PAGE COUNTY,  
 ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT HAS BEEN CLAIMED BY THE  
 REPORTERS OF SAID COUNTY, ILLINOIS.

DATED AT BRANTON, ILLINOIS, THIS 20th DAY OF APRIL, A. D. 1955.

DATED AT BRANTON, ILLINOIS, THIS 20th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 SUBJECT TO THE FOLLOWING HEALTH RESTRICTIONS:

1. TITLE TO THE SOLID RESIDUALS OF THIS SUBDIVISION THE AGENCIES  
 DIVISION OF THE INSTALLATION OF ANY SEWER SYSTEM OR ANY LOT IN  
 THIS SUBDIVISION PRIOR TO IS DEEMED NECESSARY.

2. THE UNPAID SEWER CHARGES FOR EACH LOT WILL BE DETERMINED ON  
 THE BASIS OF AN ORIGINAL COPY OF THE SEWER BILL IS SUBMITTED TO THIS  
 DEPARTMENT.

3. LOTS 371, 380 AND 385 ARE NOT SUITABLE FOR BUILDING PURPOSES  
 UNTIL SUCH TIME AS THEY HAVE BEEN FILLED AND/OR GRAINED, AND ADDI-  
 TIONAL SURFACE TESTS ARE SUBMITTED TO THIS DEPARTMENT.

ATTEST:  
 CLERK

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

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 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

STATE OF ILLINOIS }  
 COUNTY OF DU PAGE } s. s.  
 APPROVED THIS 17th DAY OF APRIL, A. D. 1955.

Doc # 752814  
 47-101A

For Volume 2 Plat No. 47-101

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF DU PAGE, ILLINOIS, ON APRIL 17, 1955.

173

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 17<sup>th</sup> Day of February, 2023

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



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:

**Bloomingtondale 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:

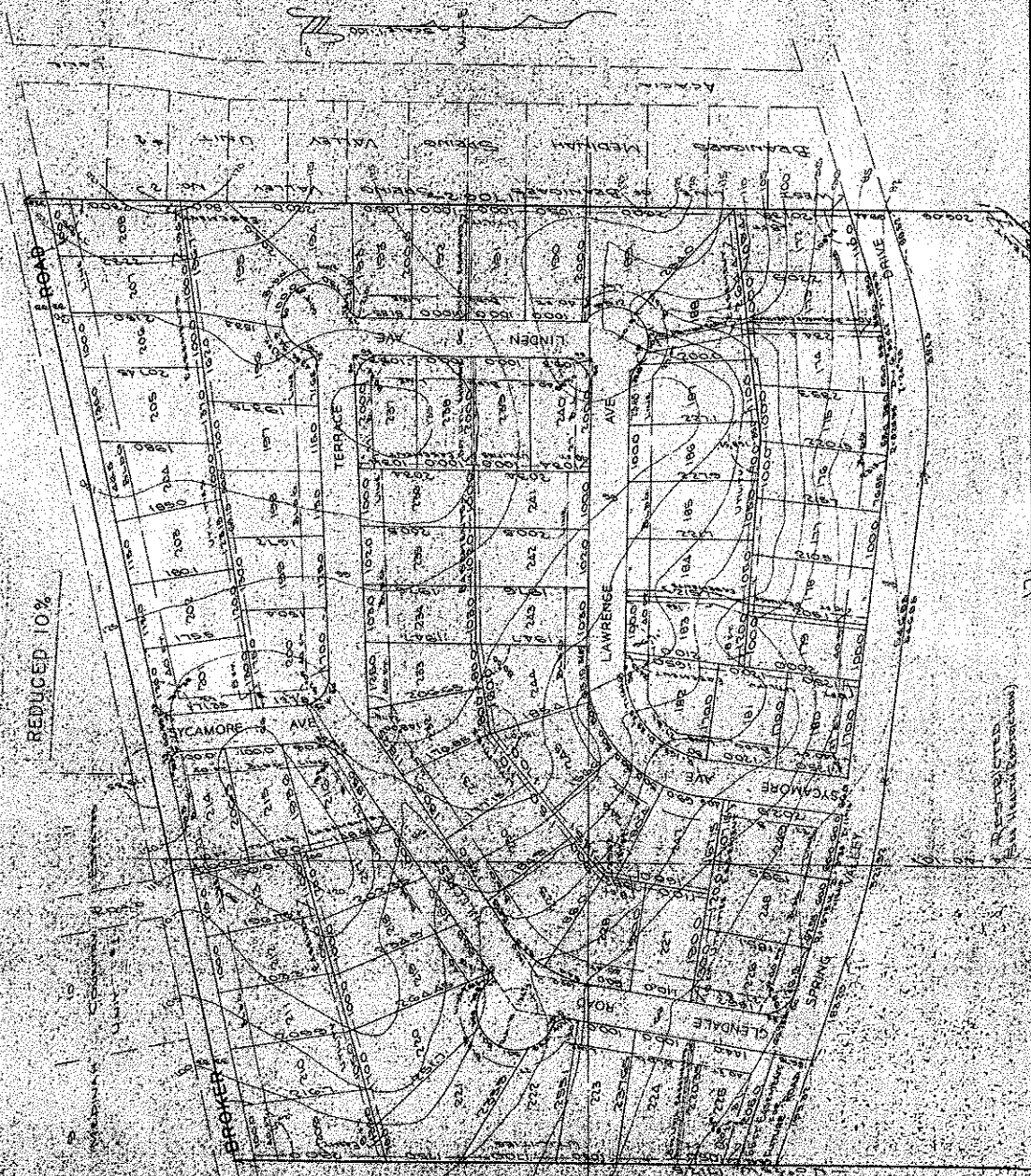
**Bloomingtondale Estates Sub.**

# BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 21 AND 24, TOWNSHIP 10 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN OPAWAGE COUNTY, ILLINOIS.

REDUCED 10%



33

The balance of Plat No. 101 is  
from the City of Chicago, 1878  
1878

Doc. # 753819  
Plat 101

RESERVED  
BY (Municipal Corporation)





# 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

██████████  
██████████ a ██████████  
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 12<sup>th</sup> 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 12<sup>th</sup> day of October, 2022.

---

Moderator, Special Township Meeting

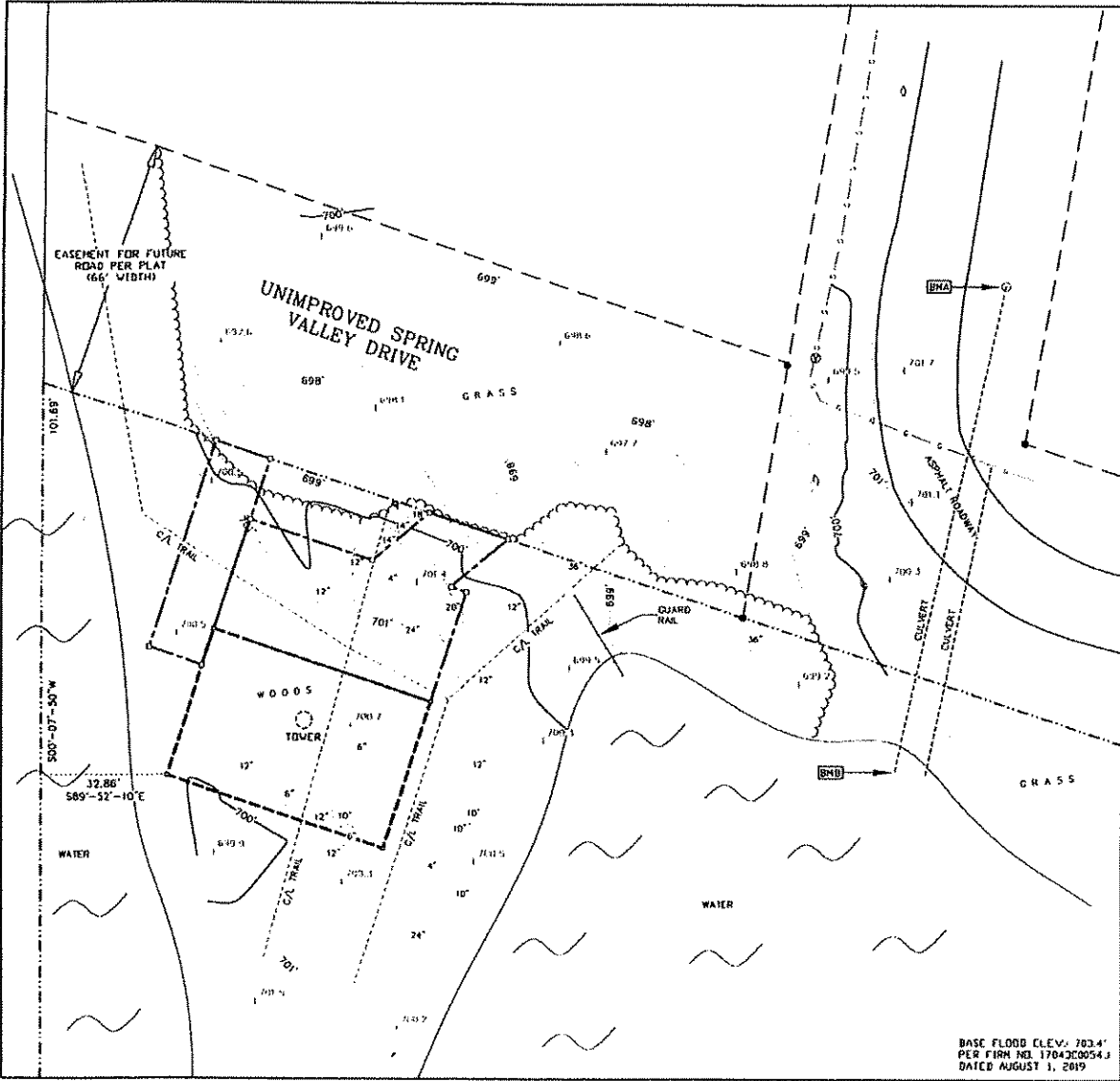
ATTEST:

---

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)



BENCHMARK INFORMATION  
 SEE BENCHMARK (BM A)  
 SET CHIPPED "X" ON W/1"  
 RM OF CATCH BASIN  
 ELEVATION 700.70'

BENCHMARK INFORMATION  
 SEE BENCHMARK (BM B)  
 TOP OF CONCRETE CURB  
 ELEVATION 699.77'

GRAPHIC SCALE  
 1 inch = 30 ft



BASE FLOOD ELEV.: 783.4'  
 PER FIRM NO. 17042C0054.1  
 DATED AUGUST 1, 2019



SERVICES GOVERNMENT HIGHWAY DEPT ELECTED OFFICIALS EVENTS

NEWS & RESOURCES HOW DO I?

[Home](#) » [Events](#) » 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 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.

Bloomingdale Township  
Offices

SERVICES  
GOVERNMENT

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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Website Design & Development by JET

Advertising. 



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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

Bloomingtondale 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 Bloomingtondale 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*

# GROUP EXHIBIT C



April 2019 MFT Detail Report

Tuesday, April 16, 2019

County: DUPAGE TOWNSHIP: BLOOMINGDALE

ADJ	INV	County	Key Route #	Street Name	Begin Station	Begin Reference Point	End Station	End Reference Point	Miles	Maint.	INV	ADJ
022	022	022	TR 667 022 70667 000000	Hillcrest Dr	0.15		0.29	FAU 3815 - Broker Rd	0.130	09	02	02
022	022	022	TR 668 022 70668 000000	Sycamore Ave	0.00	TR 670 - Spring Valley Dr	0.09		0.090	09	02	02
022	022	022	TR 668 022 70668 000000	Lawrence Ave	0.09		0.21	TR 666 - Linden Ave	0.120	09	02	02
022	022	022	TR 669 022 70669 000000	Hickory Ct	0.00	TR 654 - Laurel Dr	0.06	EOR or BOR	0.060	09	02	02
022	022	022	TR 670 022 70670 000000	Spring Valley Dr	0.00	Spring Valley Dr	0.37	N Dead End	0.370	09	02	02
022	022	022	TR 672 022 70672 000000	Glendale Rd	0.00	EOR or BOR	0.32	FAU 3815 - Broker Rd	0.320	09	02	02
022	022	022	TR 673 022 70673 000000	Glendale Rd	0.00	N Dead End	0.09		0.090	09	02	02
022	022	022	TR 673 022 70673 000000	Hillcrest Terr	0.09		0.32	TR 666 - Linden Ave	0.230	09	02	02
022	022	022	TR 674 022 70674 000000	Harvey Rd	0.00	FAU 3814 - Foster Av	0.40	FAU 3815 - Broker Rd	0.400	09	02	02
022	022	022	TR 675 022 70675 000000	Linden Ave	0.00	TR 662 - Woodview Dr	0.21		0.210	09	02	02
022	022	022	TR 675 022 70675 000000	Sunset Terrace	0.21		0.31	TR 674 - Harvey Rd	0.100	09	02	02
022	022	022	TR 676 022 70676 000000	Acacia Ln	0.23		0.95	TR 670 - Spring Valley Dr	0.700	09	02	02
022	022	022	TR 676 022 70676 000000	Spring Ct	0.00	FAU 3814 - Foster Av	0.12	TR 662 - Woodview Dr	0.120	09	02	02
022	022	022	TR 680 022 70680 000000	Maple Ct	0.00	EOR or BOR	0.04	TR 670 - Spring Valley Dr	0.040	09	02	02
022	022	022	TR 681 022 70681 000000	Fairway Ln	0.00	N Dead End	0.37		0.370	09	02	02
022	022	022	TR 681 022 70681 000000	Woodview Dr	0.37		0.86	FAU 2578 - Rohlfing Rd	0.490	09	02	02
022	022	022	TR 682 022 70682 000000	Neva Terrace	0.00	TR 687 - Temple Dr	0.35	TR 681 - Woodview Dr	0.350	09	02	02
022	022	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	02
022	022	022	TR 684 022 70684 000000	Andrene Ln	0.00	TR 681 - Woodview Dr	0.07	EOR or BOR	0.070	09	02	02
022	022	022	TR 685 022 70685 000000	Andrene Ln	0.00	FAU 1321 - Irving Park Rd	0.36	N Dead End	0.360	09	02	02

# 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.

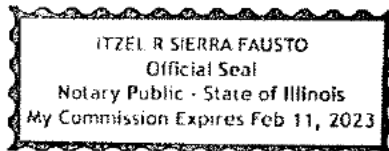


David L. Streck

Subscribed and Sworn to before  
me this 31<sup>st</sup> day of February, 2023.



Notary Public



# EXHIBIT A

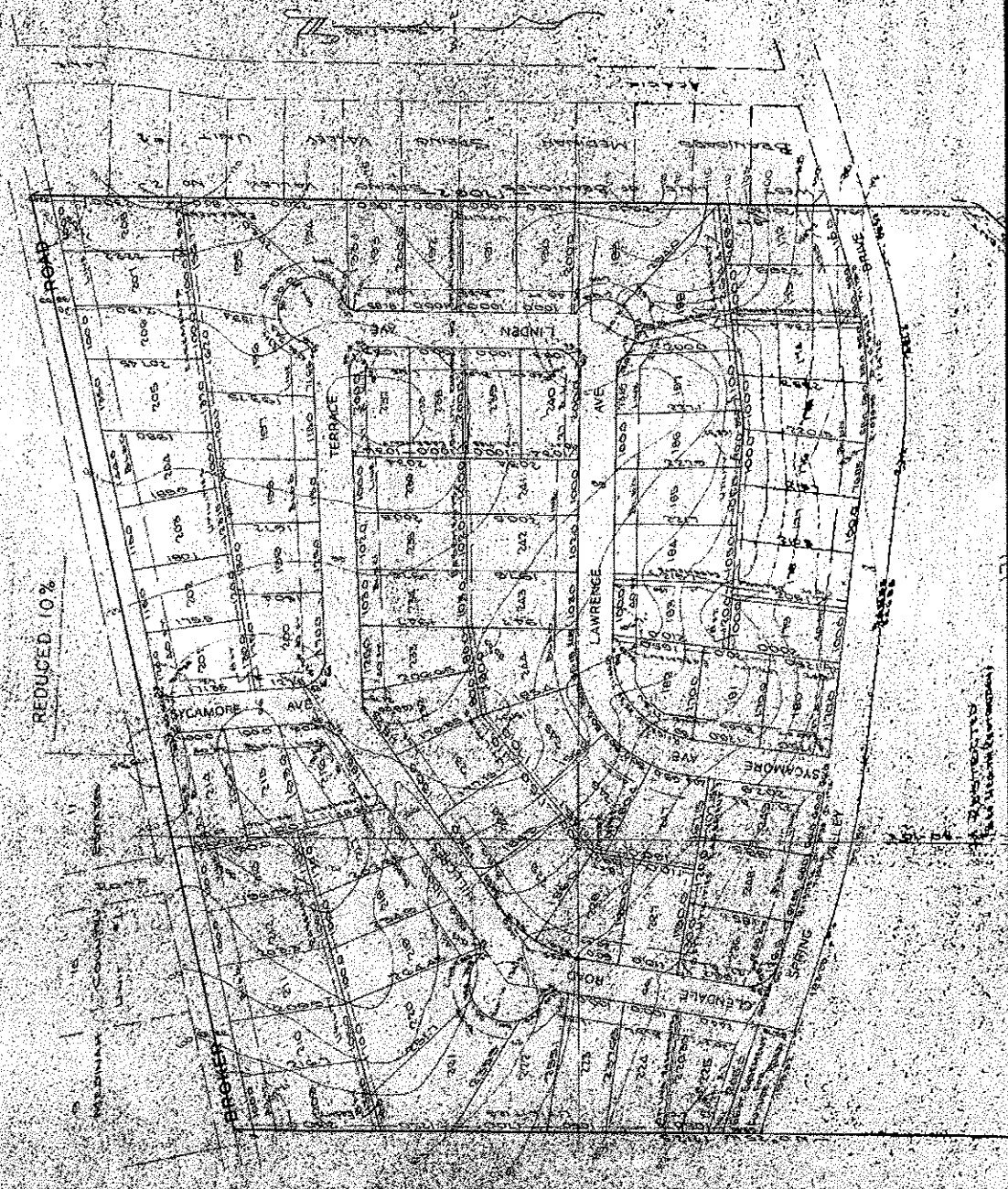


# BRANIGARS MEDINAH SPRING VALLEY

UNIT NO. THREE

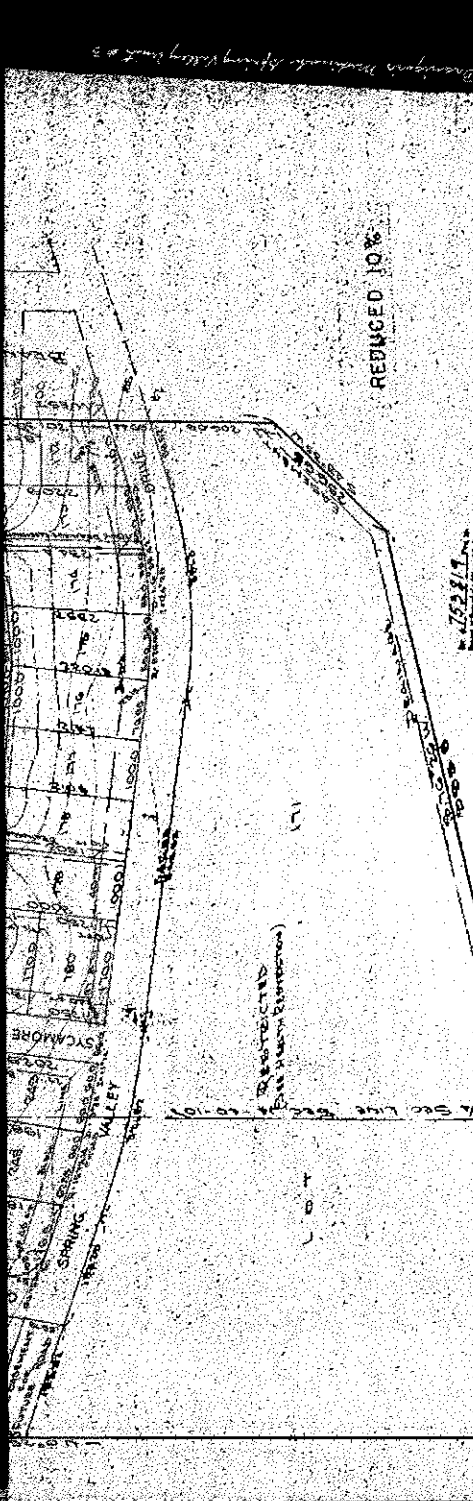
A. BEING PART OF PARTS OF LOTS 34 AND 35, TOWNSHIP 30 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DICKENS COUNTY, MISSOURI.

REDUCED 10%



For Volume 4 Plat on Page 101 A  
See also 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Doc. # 753819  
Page 101



STATE OF ILLINOIS }  
 COUNTY OF DEWITT }  
 I, the undersigned, Clerk of said County, do hereby certify that the within and foregoing plat, together with the original thereof, has been duly filed for record in my office, and that the same is a true and correct copy of the original thereof, as the same appears from the records of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Mendota, Illinois, this 1st day of April, 1935.

CLERK OF DEWITT COUNTY, ILLINOIS.

APPROVED AND ACCEPTED THIS 1st day of April, 1935.

J. G. [Signature]

CLERK OF DEWITT COUNTY, ILLINOIS.

STATE OF ILLINOIS }  
 COUNTY OF DEWITT }  
 I, the undersigned, Clerk of said County, do hereby certify that the within and foregoing plat, together with the original thereof, has been duly filed for record in my office, and that the same is a true and correct copy of the original thereof, as the same appears from the records of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Mendota, Illinois, this 1st day of April, 1935.

CLERK OF DEWITT COUNTY, ILLINOIS.

APPROVED AND ACCEPTED THIS 1st day of April, 1935.

J. G. [Signature]

CLERK OF DEWITT COUNTY, ILLINOIS.

STATE OF ILLINOIS }  
 COUNTY OF DEWITT }  
 I, the undersigned, Clerk of said County, do hereby certify that the within and foregoing plat, together with the original thereof, has been duly filed for record in my office, and that the same is a true and correct copy of the original thereof, as the same appears from the records of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Mendota, Illinois, this 1st day of April, 1935.

CLERK OF DEWITT COUNTY, ILLINOIS.

APPROVED AND ACCEPTED THIS 1st day of April, 1935.

J. G. [Signature]

CLERK OF DEWITT COUNTY, ILLINOIS.

Doc. # 175211  
 17-1014

**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.

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) 9<sup>th</sup> 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.

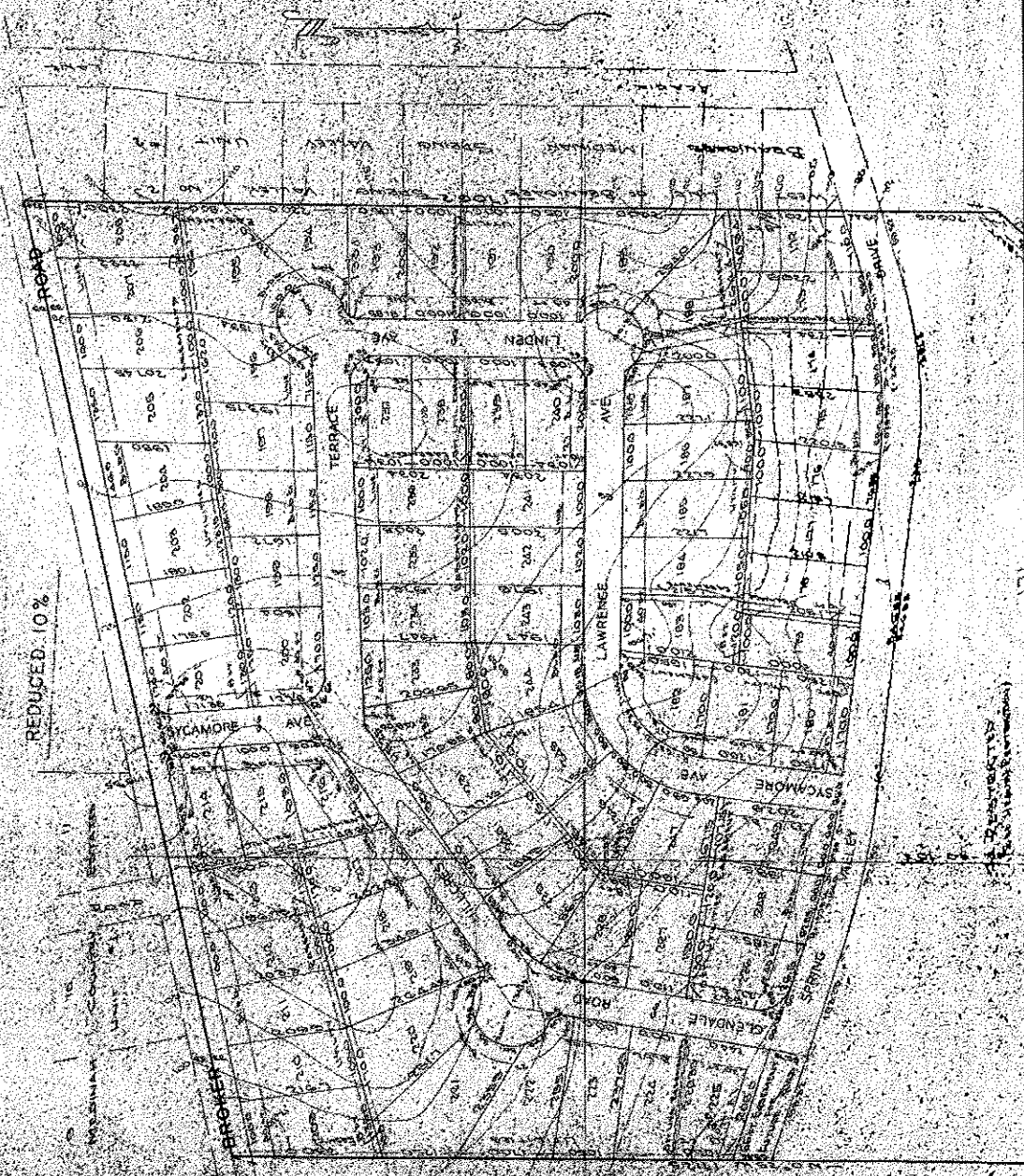
# EXHIBIT B



**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 DUBUQUE COUNTY,  
IOWA.

REDUCED: 10%



11  
12

Doc. # 75319  
Page 101

For balance of Plat see Plat 1st A  
see also 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



# EXHIBIT C



**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.





Paul Peterson

Subscribed and Sworn to before  
me this 3<sup>rd</sup> day of February, 2023.



Notary Public *[Signature]*



# 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 50<sup>th</sup> 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 reconstructing 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 4<sup>th</sup> 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

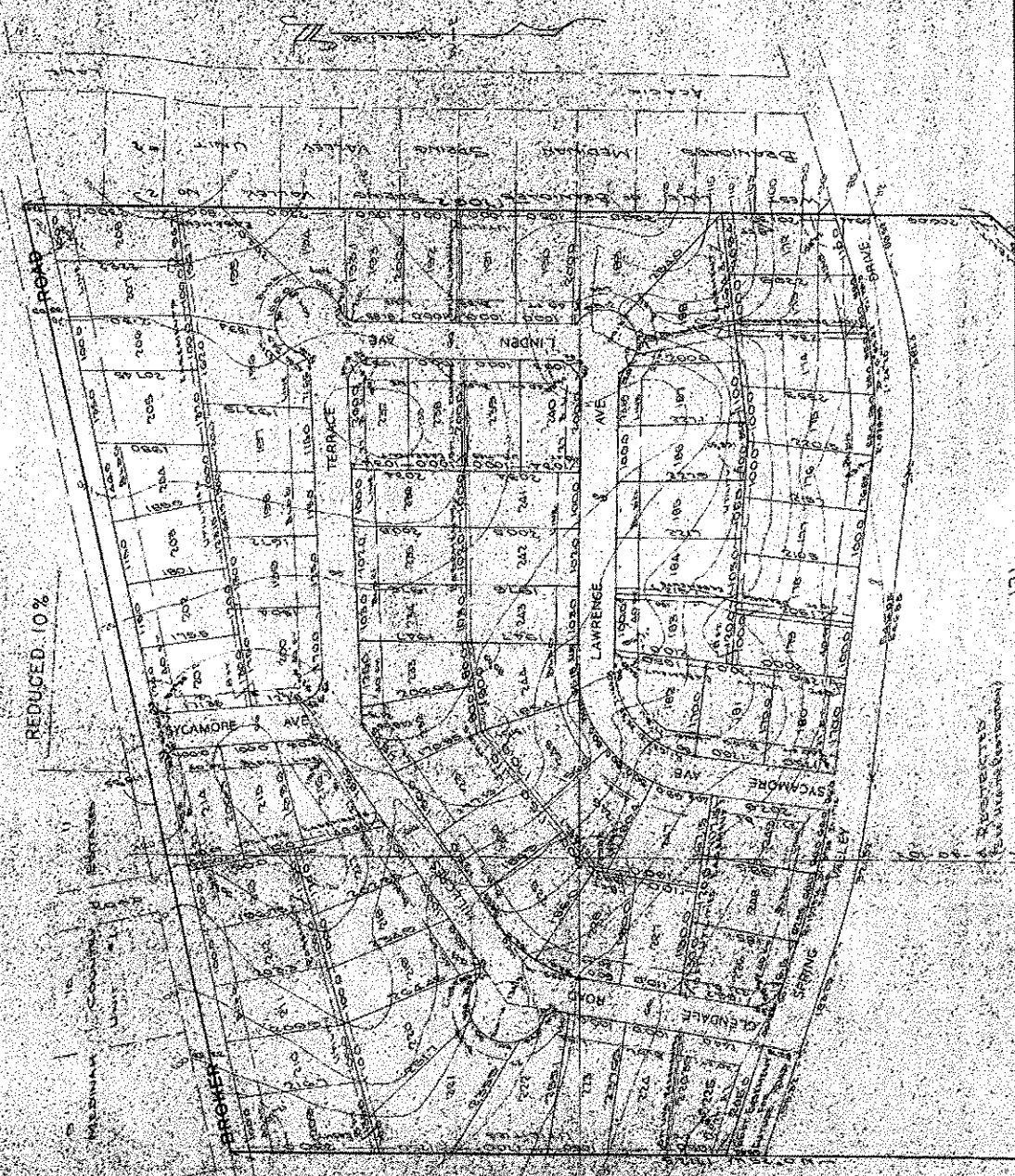
- The Illinois Statutory Construction Payment Procedure – Contract Concerns in Constructional Law – Contract Concerns in Construction Law: Transactional Considerations, IICLE 2017 and 2010 editions
- Rights of Heirs and Legatees and Their Purchasers in Illinois Real Estate, Chicago Title Insurance Company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

# EXHIBIT B

# BRANIGAR'S MEDINAH SPRING VALLEY UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 22 AND 24, TOWNSHIP 40 NORTH,  
RANGE 50 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUBUQUE COUNTY,  
IOWA.

REDUCED 10%



*The balance of Plat No. 101 'A'*  
*is now in the hands of the State of Iowa.*

Doc. # 753819  
Page 101



# EXHIBIT C

