

BLOOMINGDALE TOWNSHIP

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

FINAL ADMINISTRATIVE DECISION

Findings and Conclusions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decision:

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

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

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

BLOOMINGDALE TOWNSHIP

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

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

Permit Case No. 2023-49

EXHIBIT 1

Re-submittal

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

NAME VB BTS II, LLC (Vertical Bridge)
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

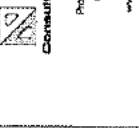
ENTRANCE BOND RECEIPT

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.
026 New Street
Providence, RI 02903
401.844.1400 voice
401.844.1499 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
Fountainville, WI 53130 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 | 7/13/22 | Revised Easement |
| 8 | 12/14/21 | Added Existing Easement Info |
| 7 | 8/30/21 | Added Benchmark Info |
| 6 | 2/28/21 | Added New FEMA Info |
| 5 | 12/10/18 | Added Text |
| 4 | | DESCRIPTION |
| 3 | | DESCRIPTION |
| 2 | | DESCRIPTION |
| 1 | | DESCRIPTION |

| | | | |
|-------------|--------|------------------|---------------|
| DATE: | J.E. | FIELD WORK DATE: | 10-24-18 |
| CHECKED BY: | C.A.K. | FIELD BOOK: | 11-19, 20, 49 |
| 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 OBSTRUCTION OR VARIATION FROM THE LOCATION SHOWN.
- JOB TICKET NO. 4002802204.
- 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. THEREFORE, THE SURVEYOR ASSUMES ALL UTILITIES ARE AT THE IMPROVEMENTS OR DIFFERENT SITE CONDITIONS FROM THAT DATE.

LEGEND

- 1" X 1/8" 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

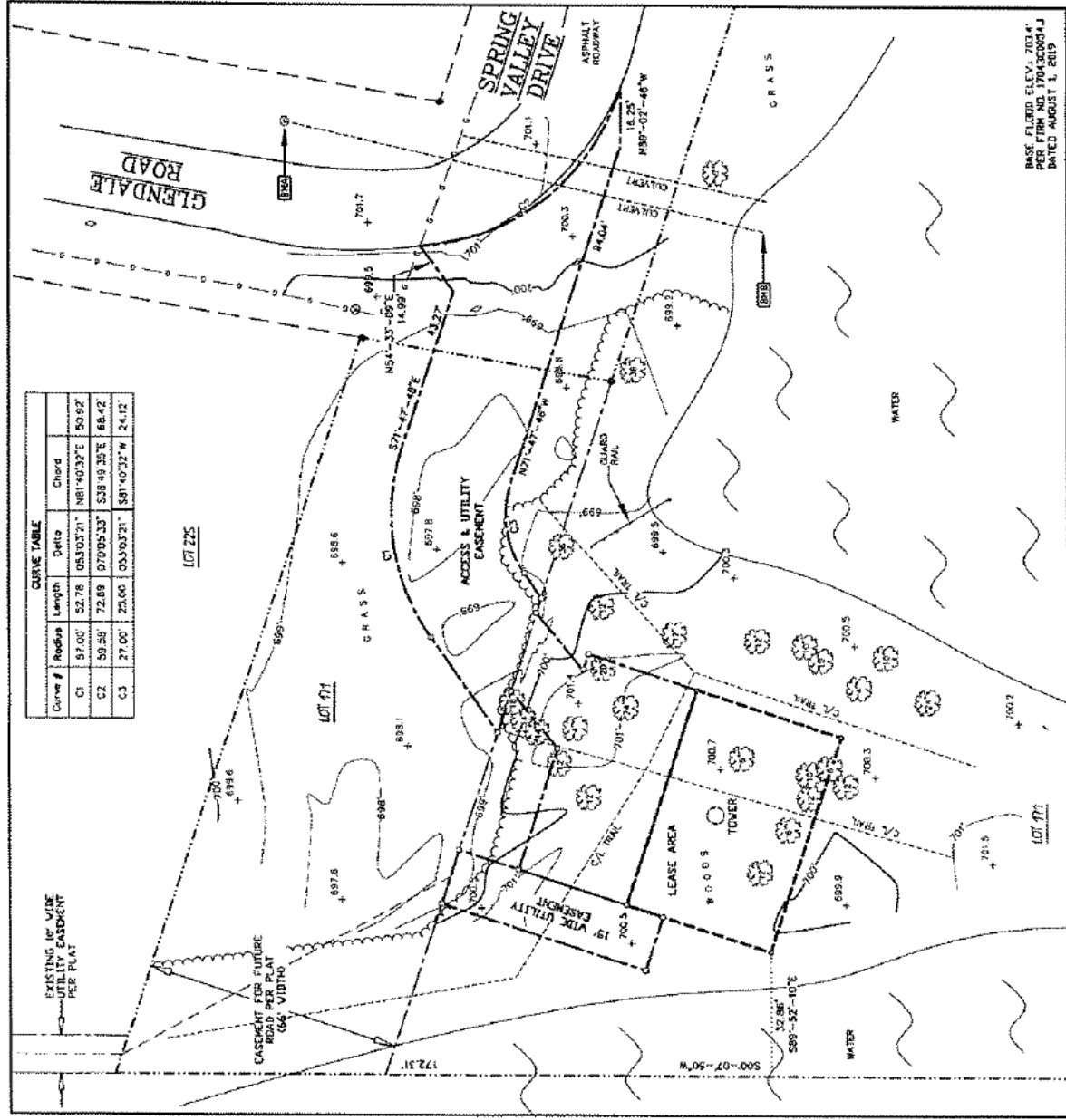
PREVIOUS SURVEYS:
1. Culp A. Keach, ILLINOIS Professional Land Surveyor of Medinah Surveying, LLC, certifies that, based on the best of his knowledge and belief, the information provided in this plat is true and correct.

Dated this 28th day of February, 2024.

DAVID J. O'CONNELL
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 081005299
EXPIRES NOVEMBER 30, 2021

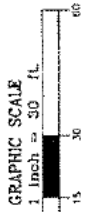
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 081005299
LICENSE EXPIRES NOVEMBER 30, 2021

THE PROFESSIONAL SURVEYOR'S DUTY INCLUDES TO THE GREATEST EXTENT FEASIBLE TO MAINTAIN THE HIGHEST STANDARD 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 A)
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 Office 920-993-0881
 Kaukaun, WI 54130 Fax 920-273-6037

SITE NAME:
LAKEVIEW

SITE NUMBER:
US-IL-5857

SITE ADDRESS:
SPRING VALLEY DR.
MEDIHAW, IL 60157

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

PARCEL NO.: 02-14-203-001

ZONED: R

SURVEY PLAT FOR
VB BTS II, L.L.C.
LOT 171 OF BRANIGAR'S MEDHAW 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. **FIELD WORK DATE:** 10-24-18

CHECKED BY: C.A.K. **FIELD BOOK:** M-43, pg. 49

JOB NO.: 10702 **SHEET:** 3 OF 3

EASE AREA

Part of Lot 171 of Branigar's Medhaw 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 Medhaw Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 and also being a part of the Northwest Quarter (NW1/4) of Section Fourteen (14) Township Forty (40) North, Range Ten (10) East of the 3rd Principal Meridian, DuPage County, Illinois containing 6.330 square feet (0.145 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence 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°-32'-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 40.00 feet to the point of beginning, being subject to any and all encumbrances of record.

15 FOOT WIDE UTILITY EASEMENT

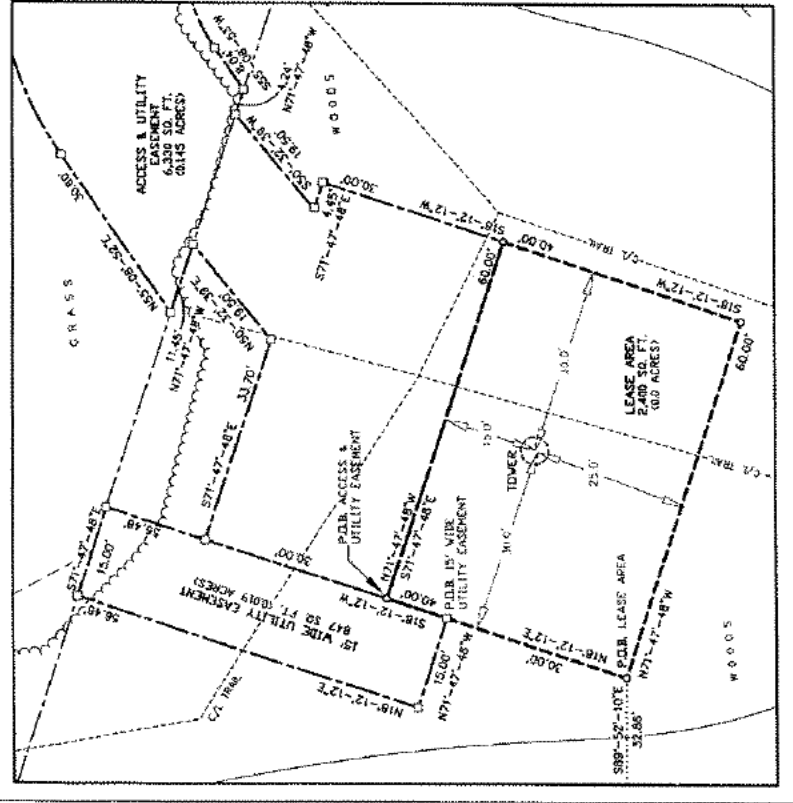
Part of Lot 171 of Branigar's Medhaw Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 and being a part of the Northwest 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

Village 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 Medhaw 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.



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

PROFESSIONAL LAND SURVEYOR
 STATE OF ILLINOIS
 JAMES A. BRANIGAR
 03-00385
 03-00385

LEGEND

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

DATE: 10/24/18

BY: J.B.

FOR: VB BTS II, L.L.C.

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

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

2-88

Bank of America
Chicago, Illinois

1166

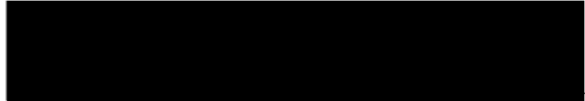
2-3/710 IL
GLOBE

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 |

Permit Case No. 2023-49

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

Springfield IL 62704
City ZIP

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

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

(continued on back)

LLC-45.5

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

Construct, operate and maintain telecommunications facilities.

10. The Limited Liability Company: (check one)

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

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

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

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

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

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

Dated: March 20, 2023
Month Day Year


2FEE48A5F4E8420...
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
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 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, the official website of the Illinois Secretary of State's Office.

Mon Apr 10 2023

Permit Case No. 2023-49

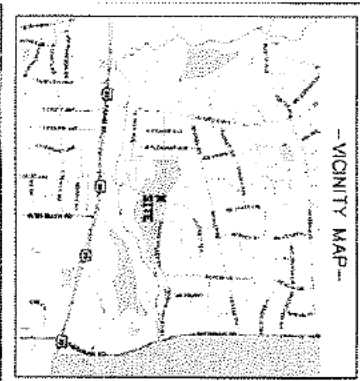
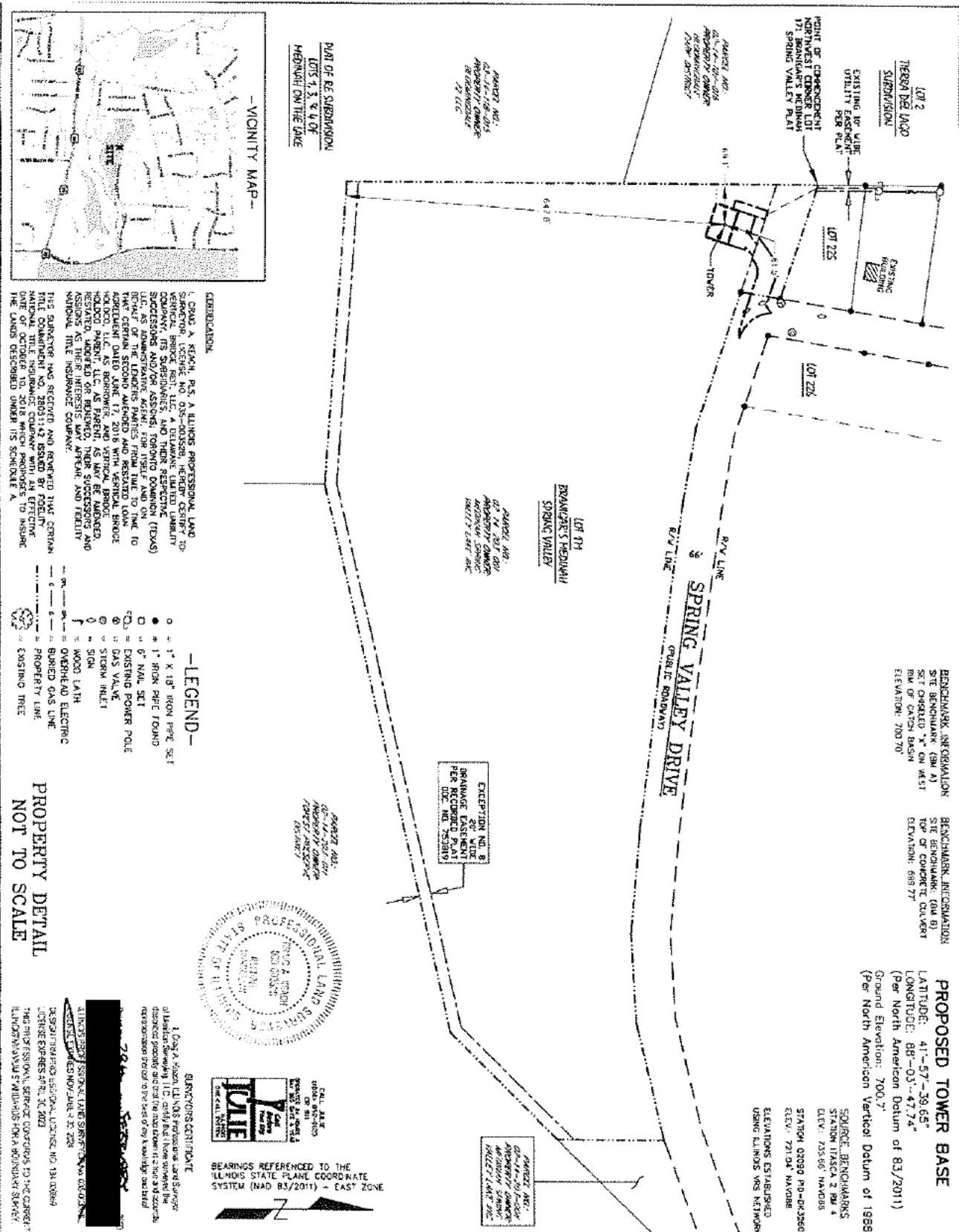
GROUP EXHIBIT 3

BENCHMARK INFORMATION
SITE BENCHMARK: (5M A)
TOP OF CORNER COLUMN
ELEVATION: 685.77
B.M. OF CATCH BASIN
ELEVATION: 700.70

BENCHMARK INFORMATION
SITE BENCHMARK: (5M B)
TOP OF CORNER COLUMN
ELEVATION: 685.77

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 1985)

SOURCE: BENCHMARKS
STATION ILLASCA 2, RW 4
ELEV: 705.66' NAVD83
STATION 02090 PD-PK-2560
ELEV: 721.04' NAVD83
ELEVATIONS ESTABLISHED USING BENCHMARKS WAS NETWORK



LEGEND
 ○ 1" x 1/2" IRON PIPE SET
 ● 1" IRON PIPE FOUND
 ○ 6" VALV. SET
 ● 6" VALV. FOUND
 ○ GAS VALV.
 ● GAS VALV. FOUND
 ○ STORM INLET
 ● STORM INLET FOUND
 ○ WOOD LATH
 ● WOOD LATH FOUND
 ○ OVERHEAD ELECTRIC
 ● OVERHEAD ELECTRIC FOUND
 ○ BURIED GAS LINE
 ● BURIED GAS LINE FOUND
 ○ PROPERTY LINE
 ● PROPERTY LINE FOUND
 ○ EXISTING TREE
 ● EXISTING TREE FOUND

PROPERTY DETAIL NOT TO SCALE

GENERAL NOTES
 1. THIS SURVEY WAS RECEIVED AND REVIEWED THAT CERTAIN NATIONAL TITLE RECORDS, CURRENT WITH AN EFFECTIVE DATE OF 10/24/18, ISSUED BY MERIDIAN SURVEYING, LLC, AS PART OF THE BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT, WERE REVIEWED AND FOUND TO BE IN CONFORMANCE WITH THE ILLINOIS SURVEYING ACT AND THE ILLINOIS PROFESSIONAL LAND SURVEYING ACT. THE LANDS DESCRIBED UNDER THIS SURVEY ARE THE LANDS DESCRIBED UNDER THIS SURVEY.

PROFESSIONAL LAND SURVEYOR
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT

| NO. | DATE | DESCRIPTION |
|-----|----------|-------------|
| 1 | 10/24/18 | REVISION |
| 2 | 11/15/18 | REVISION |
| 3 | 12/14/18 | REVISION |
| 4 | 1/23/19 | REVISION |
| 5 | 2/28/19 | REVISION |
| 6 | 3/28/19 | REVISION |
| 7 | 4/24/19 | REVISION |
| 8 | 5/14/19 | REVISION |
| 9 | 6/11/19 | REVISION |
| 10 | 7/10/19 | REVISION |
| 11 | 8/14/19 | REVISION |
| 12 | 9/11/19 | REVISION |
| 13 | 10/10/19 | REVISION |
| 14 | 11/7/19 | REVISION |
| 15 | 12/4/19 | REVISION |
| 16 | 1/1/20 | REVISION |
| 17 | 1/29/20 | REVISION |
| 18 | 2/26/20 | REVISION |
| 19 | 3/26/20 | REVISION |
| 20 | 4/23/20 | REVISION |
| 21 | 5/20/20 | REVISION |
| 22 | 6/18/20 | REVISION |
| 23 | 7/16/20 | REVISION |
| 24 | 8/13/20 | REVISION |
| 25 | 9/10/20 | REVISION |
| 26 | 10/8/20 | REVISION |
| 27 | 11/5/20 | REVISION |
| 28 | 12/3/20 | REVISION |
| 29 | 1/1/21 | REVISION |
| 30 | 1/29/21 | REVISION |
| 31 | 2/26/21 | REVISION |
| 32 | 3/26/21 | REVISION |
| 33 | 4/23/21 | REVISION |
| 34 | 5/20/21 | REVISION |
| 35 | 6/18/21 | REVISION |
| 36 | 7/16/21 | REVISION |
| 37 | 8/13/21 | REVISION |
| 38 | 9/10/21 | REVISION |
| 39 | 10/8/21 | REVISION |
| 40 | 11/5/21 | REVISION |
| 41 | 12/3/21 | REVISION |
| 42 | 1/1/22 | REVISION |
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| 46 | 4/23/22 | REVISION |
| 47 | 5/20/22 | REVISION |
| 48 | 6/18/22 | REVISION |
| 49 | 7/16/22 | REVISION |
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| 91 | 10/8/25 | REVISION |
| 92 | 11/5/25 | REVISION |
| 93 | 12/3/25 | REVISION |
| 94 | 1/1/26 | REVISION |
| 95 | 1/29/26 | REVISION |
| 96 | 2/26/26 | REVISION |
| 97 | 3/26/26 | REVISION |
| 98 | 4/23/26 | REVISION |
| 99 | 5/20/26 | REVISION |
| 100 | 6/18/26 | REVISION |

PROPERTY OWNER: BRANNOGAR'S MEDINAH SPRING VALLEY, LLC
 PARCEL NO.: 02-14-203-001
 ZONED: R

MERIDIAN SURVEYING, LLC
 750 PARK OF CONCRETE DRIVE
 SUITE 200
 BOCA RATON, FL 33487

verticalbridge

EDGE ENGINEERS, INC.
 604 West Shore
 P.O. Box 55579
 62304 Lake Vista
 BOCA RATON, FL 33487
 www.edgeengineers.com

PROPERTY OWNER:
 BRANNOGAR'S MEDINAH SPRING VALLEY, LLC
 PO BOX 566
 MEDINAH, IL 60157

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

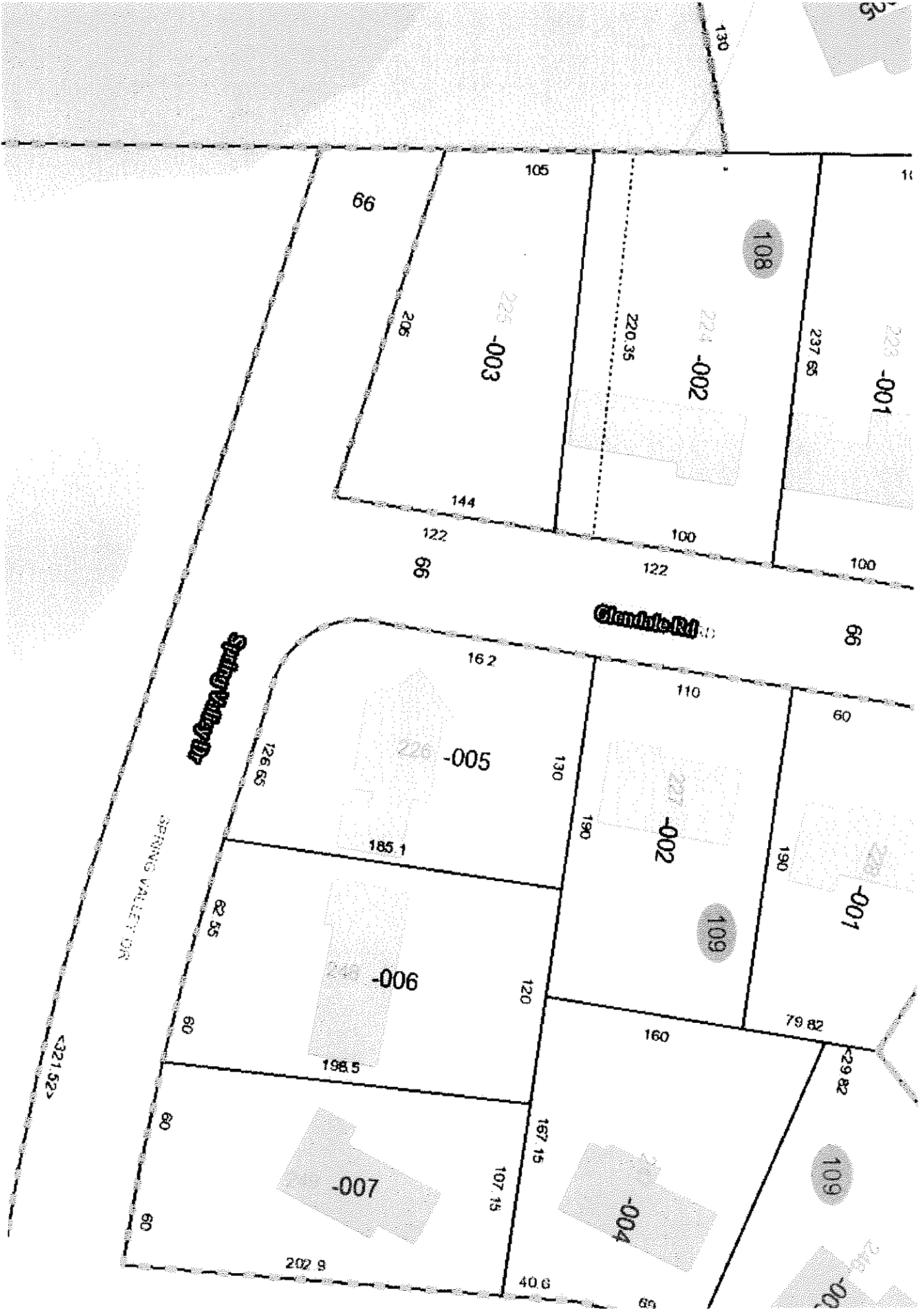
SURVEY YIELD FOR:
 verticalbridge

DATE: 10-24-18
DESIGNED BY: C.A.K.
CHECKED BY: J.B.
DATE: 10-24-18
SHEET 1 OF 3

PROFESSIONAL LAND SURVEYOR
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT
 BRANNOGAR'S MEDINAH SPRING VALLEY PROJECT

Permit Case No. 2023-49

EXHIBIT 4



130

11

108

223 -001

237.65

224 -002

220.35

225 -003

206

66

105

144

122

66

100

122

100

Glendale Rd

66

Spring Valley Dr

162

226 -005

126.65

185.1

-006

198.5

82.35

80

80

80

<321.525

202.9

107.15

40.6

167.15

160

-004

110

227 -002

180

130

120

-001

190

60

79.82

<29.82

109

109

240 -00

240

Permit Case No. 2023-49

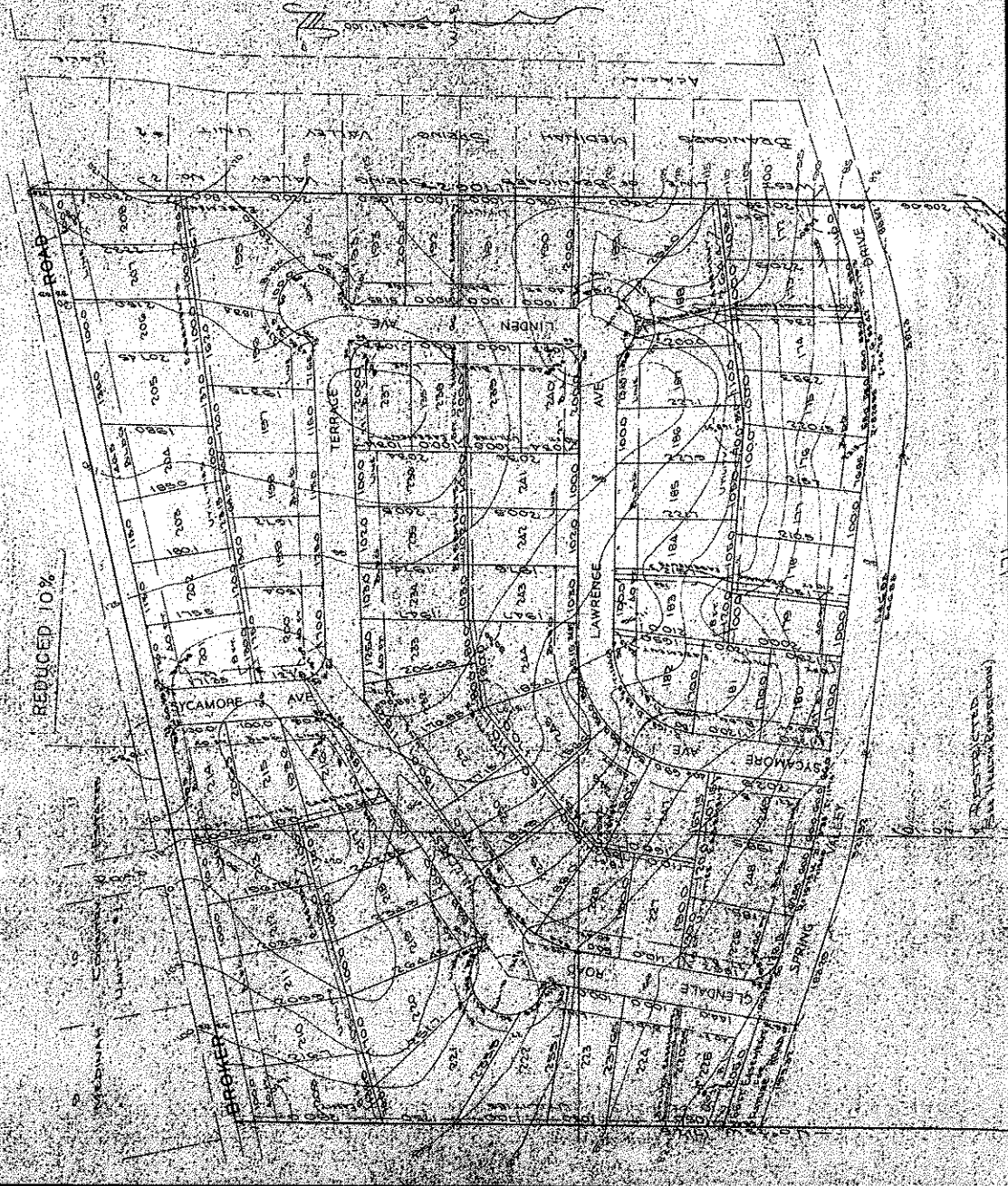
EXHIBIT 5

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

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

REDUCED 10%



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

Doc. # 753819
Plat 101

Permit Case No. 2023-49

EXHIBIT 6

OFFICIAL ENTRY IN THE PUBLIC RECORDS OF THE DISTRICT CLERK

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

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

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

Dated this 17th Day of February, 2023

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



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

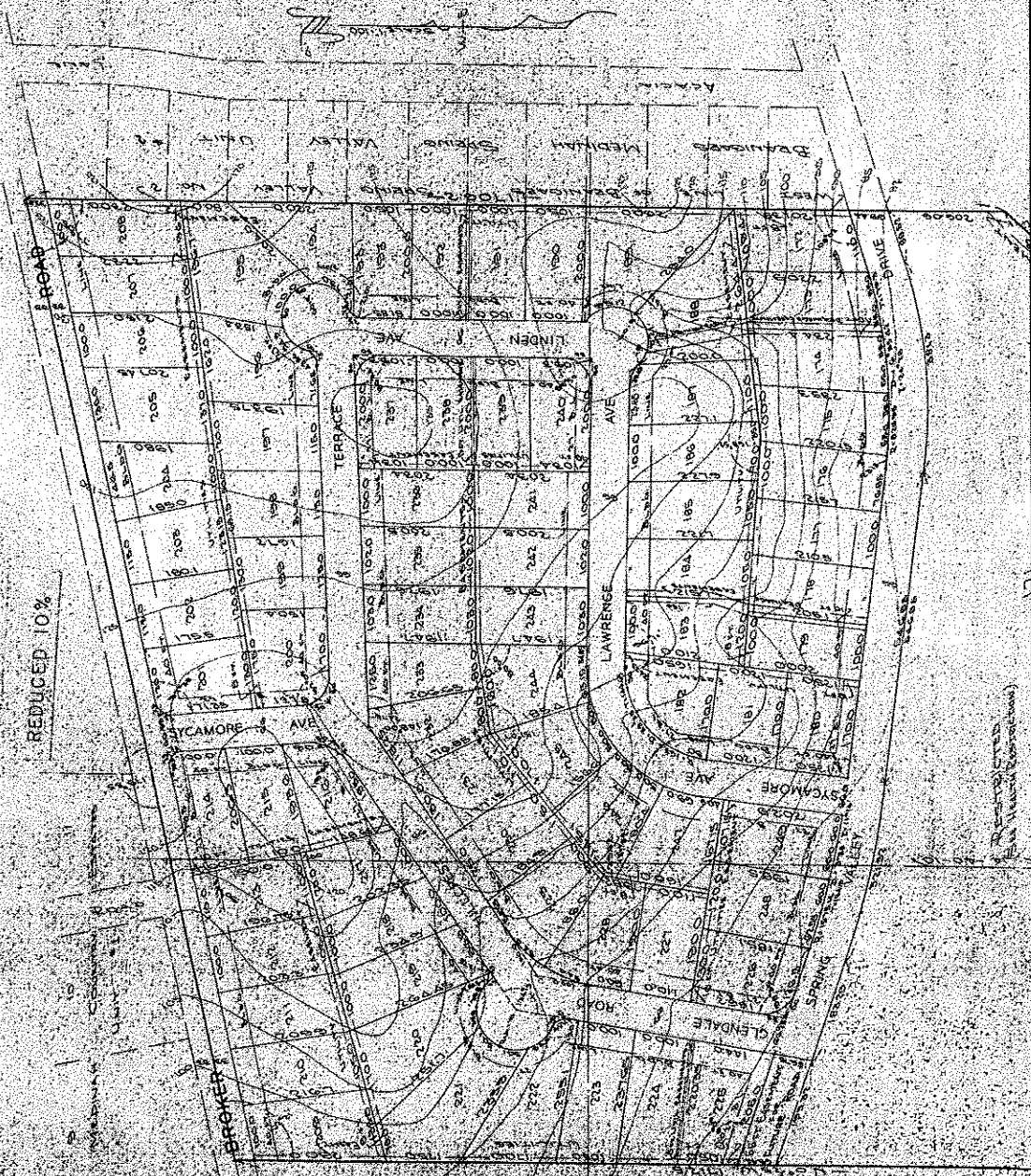
Subdivision Name:

Bloomingtondale Estates Sub.

BRANIGAR'S MEDINAH SPRING VALLEY UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 22 AND 24, TOWNSHIP 10 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN OPAWAGE COUNTY, ILLINOIS.

REDUCED 10%

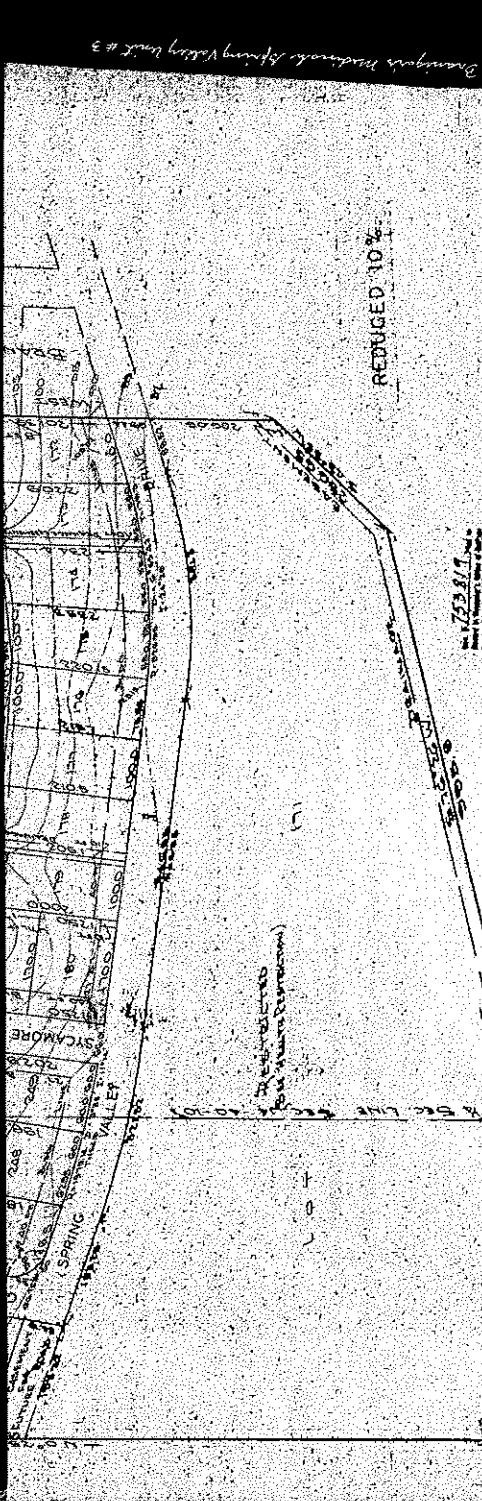


RESERVED
BY (unclear)

33

Doc. # 753819
Page 101

The balance of Plat No. 101 is
from the original plat of 1882
from the original plat of 1882



STATE OF ILLINOIS } S. S.
 COUNTY OF DUPAGE }
 I, EDWARD L. REYNOLDS, JILL, ILLINOIS,
 COUNTY CLERK, DO HEREBY CERTIFY THAT THE
 PART OF SECTION 22 AND 23, TOWNSHIP 30 NORTH,
 RANGE 10 WEST, 10TH MERIDIAN, DESCRIBED BY
 THE FOLLOWING INSTRUMENT, BEING THE ORIGINAL
 INSTRUMENT, AND A TRUE AND CORRECT COPY
 THEREOF, AS THE SAME APPEARS IN THE PUBLIC
 RECORDS OF SAID COUNTY, HAVE BEEN
 FILED FOR RECORD IN THE OFFICE OF THE
 COUNTY CLERK, AT SPRING VALLEY, ILLINOIS,
 THIS 12TH DAY OF APRIL, A. D. 1935.
 EDWARD L. REYNOLDS, COUNTY CLERK

STATE OF ILLINOIS } S. S.
 COUNTY OF DUPAGE }
 I, EDWARD L. REYNOLDS, JILL, ILLINOIS,
 COUNTY CLERK, DO HEREBY CERTIFY THAT THE
 PART OF SECTION 22 AND 23, TOWNSHIP 30 NORTH,
 RANGE 10 WEST, 10TH MERIDIAN, DESCRIBED BY
 THE FOLLOWING INSTRUMENT, BEING THE ORIGINAL
 INSTRUMENT, AND A TRUE AND CORRECT COPY
 THEREOF, AS THE SAME APPEARS IN THE PUBLIC
 RECORDS OF SAID COUNTY, HAVE BEEN
 FILED FOR RECORD IN THE OFFICE OF THE
 COUNTY CLERK, AT SPRING VALLEY, ILLINOIS,
 THIS 12TH DAY OF APRIL, A. D. 1935.
 EDWARD L. REYNOLDS, COUNTY CLERK

STATE OF ILLINOIS } S. S.
 COUNTY OF DUPAGE }
 I, EDWARD L. REYNOLDS, JILL, ILLINOIS,
 COUNTY CLERK, DO HEREBY CERTIFY THAT THE
 PART OF SECTION 22 AND 23, TOWNSHIP 30 NORTH,
 RANGE 10 WEST, 10TH MERIDIAN, DESCRIBED BY
 THE FOLLOWING INSTRUMENT, BEING THE ORIGINAL
 INSTRUMENT, AND A TRUE AND CORRECT COPY
 THEREOF, AS THE SAME APPEARS IN THE PUBLIC
 RECORDS OF SAID COUNTY, HAVE BEEN
 FILED FOR RECORD IN THE OFFICE OF THE
 COUNTY CLERK, AT SPRING VALLEY, ILLINOIS,
 THIS 12TH DAY OF APRIL, A. D. 1935.
 EDWARD L. REYNOLDS, COUNTY CLERK

Doc # 75989
 Page 2
 For Volume 2 (File in Page 10)

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Power Delegated to Township Board by Electors.

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

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

- (i) Negotiate a formal agreement with representatives of Vertical Bridge regarding its request for access and use of the Property;
- (ii) If the Board deems prudent, to approve any agreement and/or related documentation conveying a license or similar access on and across the Property; and
- (iii) If the Board approves the conveyance of a license or similar access on and across the Property, be authorized to expend all additional, reasonable costs related thereto, including, but not limited to, any necessary survey and engineering work, and Township attorney fees.

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

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

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

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

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

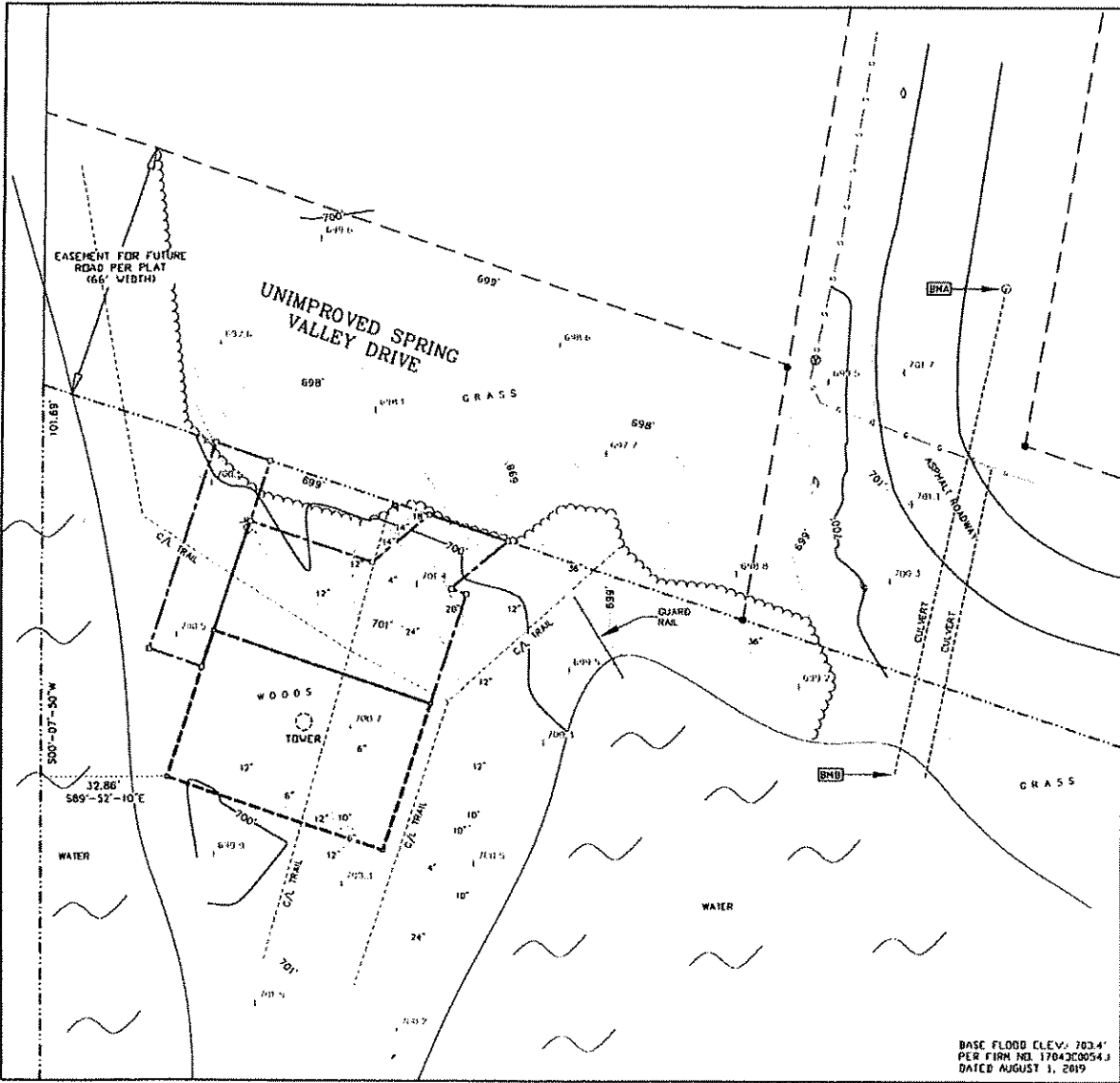
Moderator, Special Township Meeting

ATTEST:

Township Clerk

EXHIBIT A – the Property

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



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

BENCHMARK INFORMATION
N/E HIGHWAY (BM A)
2.1 CHISELED "X" ON W/S
RM OF CALIF. HAZAR
ELEVATION 700.70'

BENCHMARK INFORMATION
S/E BENCHMARK (BM B)
10' OF CONCRETE CURB
ELEVATION 699.77'

GRAPHIC SCALE
1 inch = 30 ft





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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Bloomingdale Township

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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 | TR 670 - Spring Valley Dr | 0.07 | N Dead End | 0.070 | 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 |

Permit Case No. 2023-49

GROUP EXHIBIT 7

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

VB BTS II, LLC,

Plaintiff,

vs.

BLOOMINGDALE TOWNSHIP and THE
COUNTY OF DUPAGE,

Defendants.

Case No.: 2022 MR 752

Hon. Anne T. Hayes

AFFIDAVIT OF DAVID L. STRECK

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

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

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

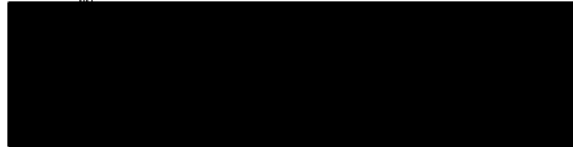
3. In addition, MSVL's shareholders have regularly traversed Spring Valley Drive and Glendale Road, then crossed Lot 171 to hike, walk their dogs, and get to the lake.

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

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

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

Further affiant sayeth not.



David L. Streck

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



Notary Public

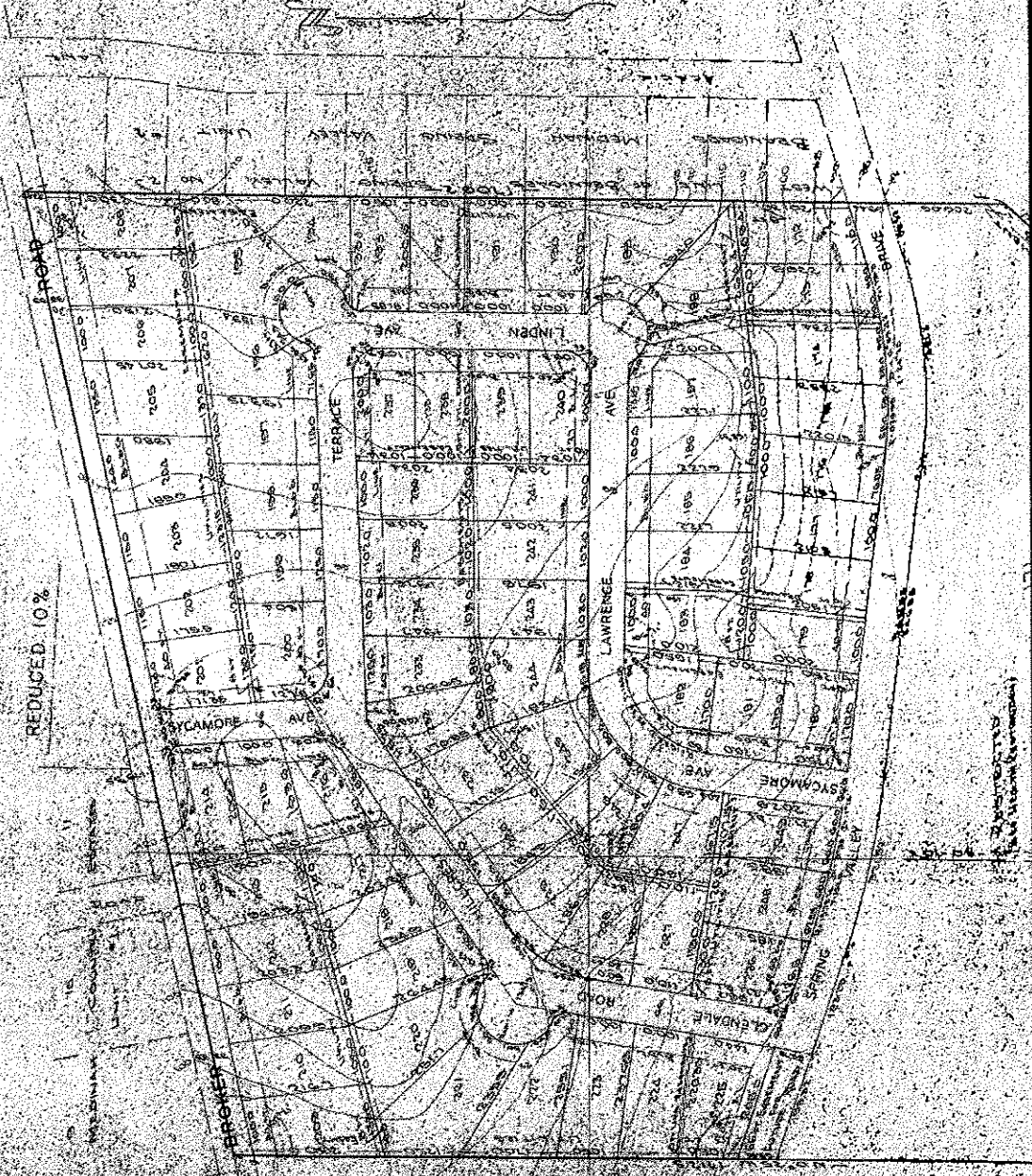


EXHIBIT A

BRANIGARS MEDINAH SPRING VALLEY UNIT NO. THREE

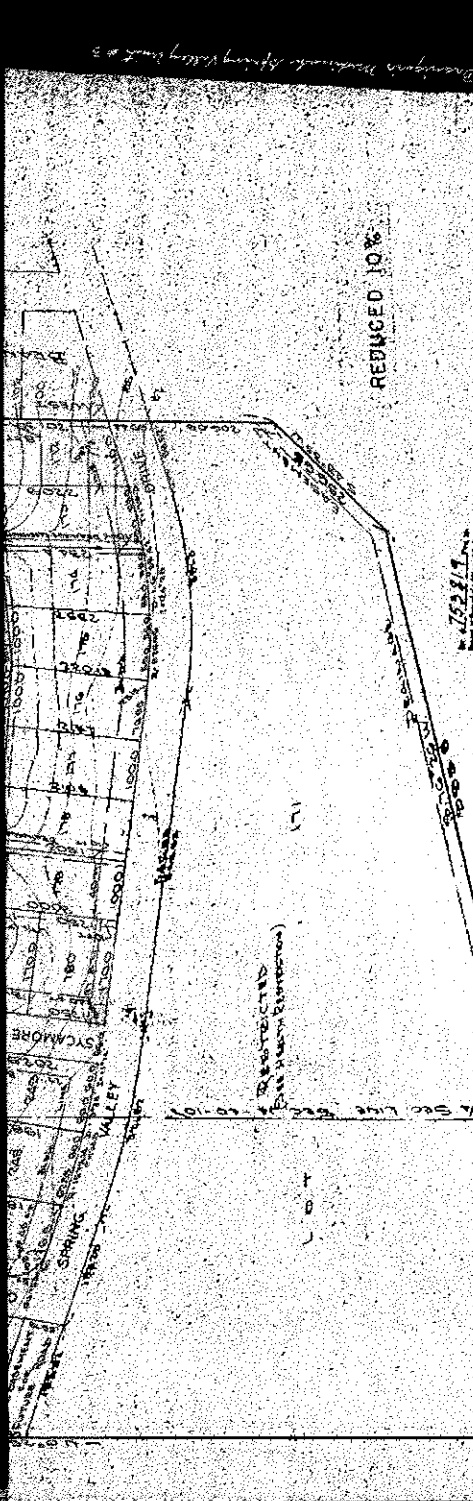
A. BEING PART OF PARTS OF SECTIONS 34 AND 35, TOWNSHIP 30 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DICKENS COUNTY,
MISSOURI.

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, a Notary Public in and for the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on this 14th day of April, 1934.

STATE OF ILLINOIS }
 COUNTY OF DEWITT }
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Doc. # 275214
 47-1014
 For Bookman & Blotson, Chicago, Ill.

**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) 9th Annual Real Estate Short Course.

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

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

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

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

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

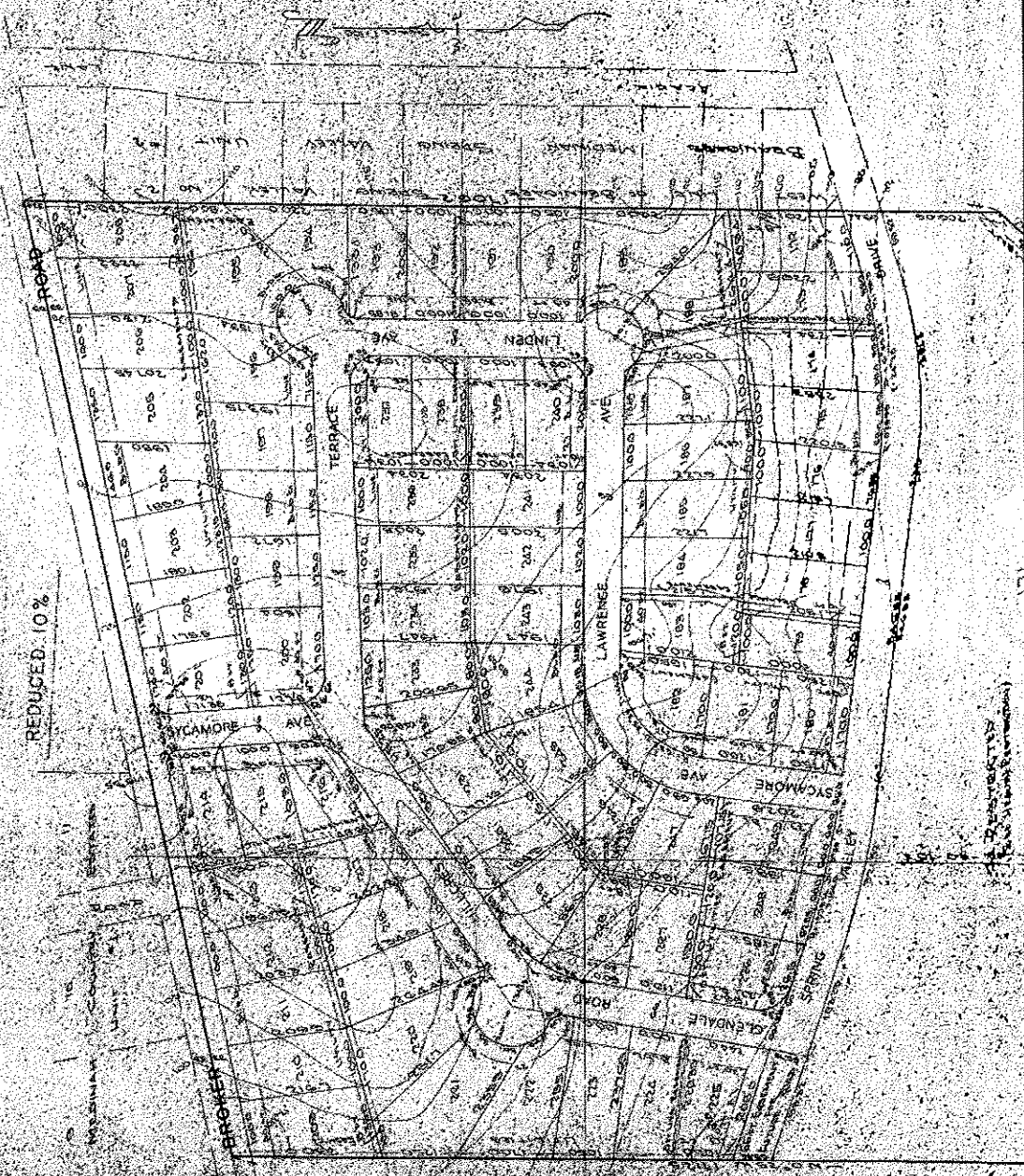
In 2023, Mike is currently on the IDFPR Land Surveyors Licensing Board.

EXHIBIT B

**BRANIGAR'S MEDINAH SPRING VALLEY
UNIT NO. THREE**

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

REDUCED: 10%



11
12

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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

Subscribed by
J. S. Branigar

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.

[Redacted]

Paul Peterson

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

[Redacted]

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

ILLINOIS REAL ESTATE LAWYER ASSOCIATION

- Member 2019 to present
- Speaker on Blockchain and probate

AMERICAN BAR ASSOCIATION

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

CHICAGO MORTGAGE ATTORNEYS ASSOCIATION

- Member 2007 to present
- Speaker

EMPLOYMENT HISTORY

- Chicago Title Insurance Company 1971 to April, 2020
- Joined Chicago Title Insurance Company out of college as a title paralegal and went to law school at night.
- worked in the legal research department and the claims department before becoming a Title Officer where he wrote the company's booklet *Rights of Heir and Devisees and Their Purchasers in Illinois Real Estate*
- Transferred to the National Mechanics Lien Underwriting Department in the 1980s.
- Developed a 50 state construction lender priority spreadsheet
- Developed a spreadsheet to calculate financial ratios and compare them with industry standards
- Developed a claims report that showed that mechanics lien losses by policy year spiked over 10 times the prior 5 year average in 2005
- Developed a claims report showing that on a yearly basis 10 states accounted for roughly 3/4ths of the company's mechanics lien losses
- Specialized in and taught credit analysis, mechanics lien documentation and review and mechanics lien coverage nationally
- Specialized in analysis and work outs of projects with multi-million dollar recorded mechanics lien claims. Included in his workouts were four files with recorded mechanics lien claims in excess of \$20 million.
- Provided expert witness testimony on a construction disbursing file was cited in a favorable appellate court ruling on the duties of a construction disbursing escrow officer
- Chair of the underwriting group for the Fidelity Family that reduced the mechanics lien coverage given to construction lenders in Illinois after several appellate court cases 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 4th Annual Elder Law Bootcamp by the Illinois State Bar Association - 2017
- *Transfers of Real Estate on Death* at Neal and Leroy law firm -2017
- *231 W. Scott, LLC v. Lakeside Bank: Comments on the duties of construction loan escrow agents, owners, and lenders* at Chicago Bar Association Mechanics Lien Subcommittee – 2017
- *Construction Contracts and Construction Risks* at Fidelity National Title national credit underwriting training meeting – 2017
- *231 W. Scott - Owner and Lender Considerations* at Greater Illinois Title customer breakfast – 2017
- *Construction Escrows, Statements and Lien Waivers in Illinois* at Illinois State Bar Association webinar 2017
- *Illinois Payment Considerations* at Illinois State Bar Association Contract Concerns Seminar – 2017
- *The Proper Payment System* at Freeborn Peters law firm – 2017
- *Financial Analysis Overview* at Fidelity National Title Insurance Co - Illinois underwriter training webinar (3 hours) – 2017
- *Financial Analysis of Contractors* at Fidelity National Title Insurance Co - Illinois underwriter training webinar (3 hours) – 2017
- *Financial Analysis Residential Builders* at Fidelity National Title Insurance Co – Illinois underwriter training webinar (3 hours) – 2017

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

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

LEGAL PUBLICATIONS

Chapters in legal publication books:

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

Title company publications available to the general public include

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

Article for the American College of Real Estate Attorneys

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

Articles for the Illinois State Bar Association include

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

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

COMMUNITY SERVICE AND PRO BONO

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

HONORS

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

PUBLICATIONS AVAILABLE ON REQUEST

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

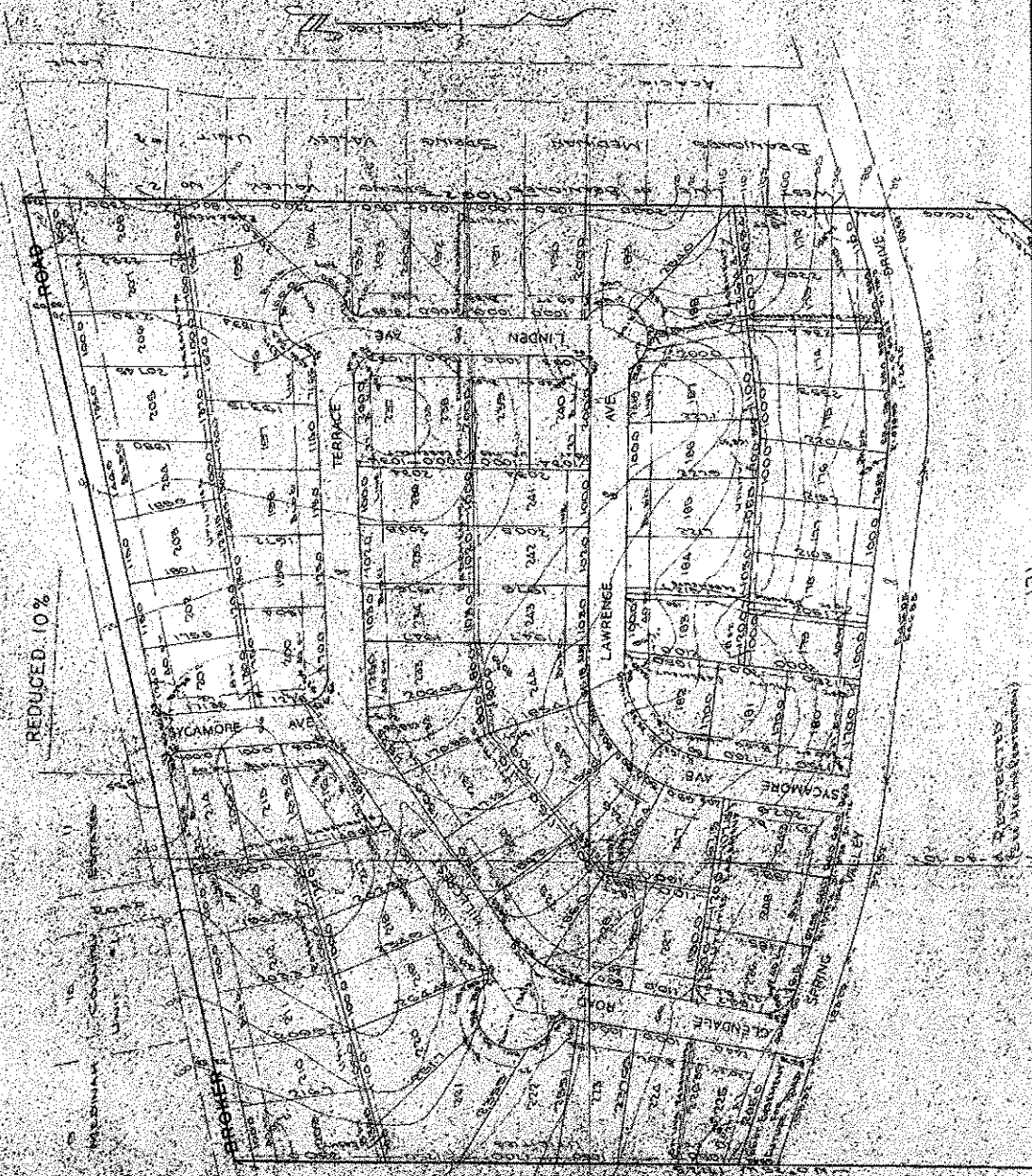
- The Illinois Statutory Construction Payment Procedure – Contract Concerns in Constructional Law – Contract Concerns in Construction Law: Transactional Considerations, IICLE 2017 and 2010 editions
- Rights of Heirs and Legatees and Their Purchasers in Illinois Real Estate, Chicago Title Insurance Company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

EXHIBIT B

BRANIGAR'S MEDINAH SPRING VALLEY UNIT NO. THREE

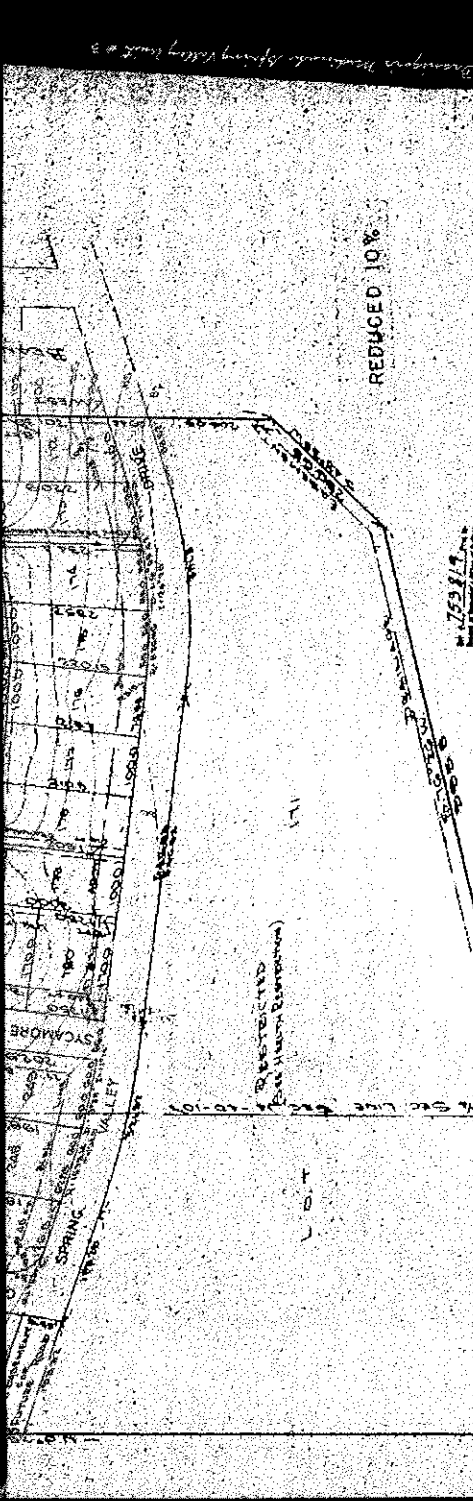
A SUBDIVISION OF PART OF SECTIONS 22 AND 24, TOWNSHIP 40 NORTH,
RANGE 50 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY,
GEORGIA.

REDUCED 10%



The balance of Plat No. 101 'A'
is shown on the reverse side of this page.

Doc. # 753819
Page 101



STATE OF ILLINOIS } s. 1.
 COUNTY OF COCKER }
 THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING IS A CORRECT AND TRUE COPY OF THE ORIGINAL RECORD OF SAID DEED AS THE SAME IS KEPT IN THE OFFICE OF THE CLERK OF SAID COUNTY AT SPRING VALLEY, ILLINOIS.

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EXHIBIT C

