

**AGENDA  
CITY OF ST. CHARLES  
PLANNING & DEVELOPMENT COMMITTEE  
ALD. CLIFF CARRIGNAN – CHAIRMAN**

**MONDAY, NOVEMBER 12, 2012 - 7:00 PM  
CITY COUNCIL CHAMBERS  
2 E. MAIN STREET**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. COMMUNITY DEVELOPMENT**
  - a. Recommendation to approve an Amendment to the Annexation Agreement for the Porter Business Park.
  - b. Recommendation to approve a Plat of Easement between the Thatcher Property Group, LLC and the City of St. Charles.
  - c. Recommendation to approve a Resolution authorizing the execution of the First Amendment to the Land Improvement Agreement for The Reserves of St. Charles by and between the City of St. Charles, Omni-Tech LLC, and The Ryland Group, Inc.
- 4. ECONOMIC DEVELOPMENT**
  - a. Recommendation to approve TIF Redevelopment Agreement (RDA) between St. Charles – 333 North Sixth Street, LLC (Lexington Club redevelopment) and the City of St. Charles.
- 5. ADDITIONAL BUSINESS**
  - a. Update on the Comprehensive Plan Project-Information only.
- 6. Executive Session**
  - Personnel
  - Pending Litigation
  - Probable or Imminent Litigation
  - Property Acquisition
  - Collective Bargaining
- 7. ADJOURNMENT**



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve an Amendment to the Annexation Agreement for the Porter Business Park
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Presenter:	Matthew O'Rourke
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*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development - (11/12/12)		City Council
	Public Hearing		

Estimated Cost:	NA	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

In 2006 the City Council approved the annexation and Special Use for a Planned Unit Development for a 6-lot industrial business park named the Porter Business Park. In conjunction with this annexation, the City entered into an annexation agreement for the Porter Business Park.

The annexation agreement contains provisions that stipulate the timing for the construction or demolition of certain items. Specifically, phase 3 contemplated the demolition of the existing single-family home on lot 5. Subsection 5, Phase 3 of the annexation agreement states the following:

*“Phase 3: The Following work or improvements shall occur on or before December 31, 2010:  
1. Demolition and removal of the existing residence on Lot 5.”*

At this time, there has not been a building permit submitted for lot 5 and the single-family home has not been demolished. Mr. Porter does not anticipate developing lot 5 in the near future.

Mr. Porter would like to amend the annexation agreement to permit the continued use of the single-family home on lot 5. The proposed amendment would state that the single-family residential unit would be permitted to remain until such time that a building on lot 5 is approved by the City. A demolition permit will be required to be submitted at the same time any permits for construction are filed for lot 5.

**Attachments:** *(please list)*

Staff Report; dated 9/26/12  
Photos of Existing Single-Family Home

**Recommendation / Suggested Action** *(briefly explain):*

Recommend approval of and direct Staff to draft an amendment to the Porter Business Park annexation agreement to permit the single-family home on Lot 5 to remain until a building permit for Lot 5 is approved by the City; or, until December 31, 2014, whichever comes first.

<i>For office use only:</i>	<i>Agenda Item Number: 3a</i>
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Community Development  
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
 SINCE 1834

**Staff Report**

**TO:** Chairman Cliff Carrigan  
 And the Members of the Planning & Development Committee

**FROM:** Matthew O'Rourke, AICP  
 Planner

**RE:** Porter Business Park Annexation Agreement Amendment

**DATE:** September 26, 2012

**I. APPLICATION INFORMATION:**

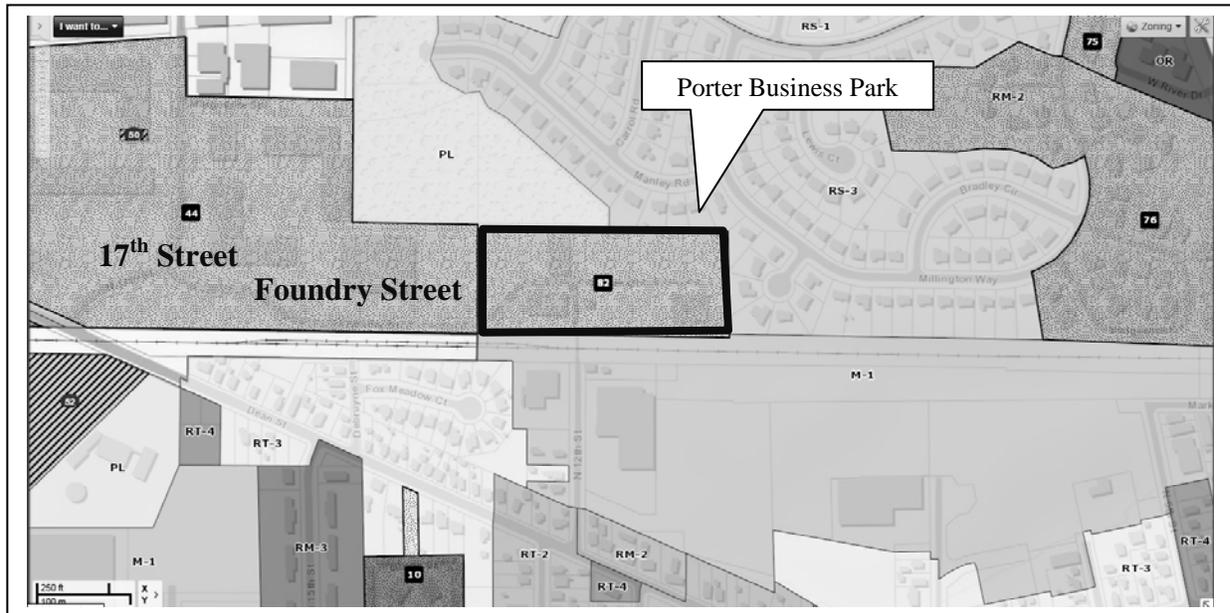
**Project Name:** Porter Business Park

**Applicant:** Richard Porter

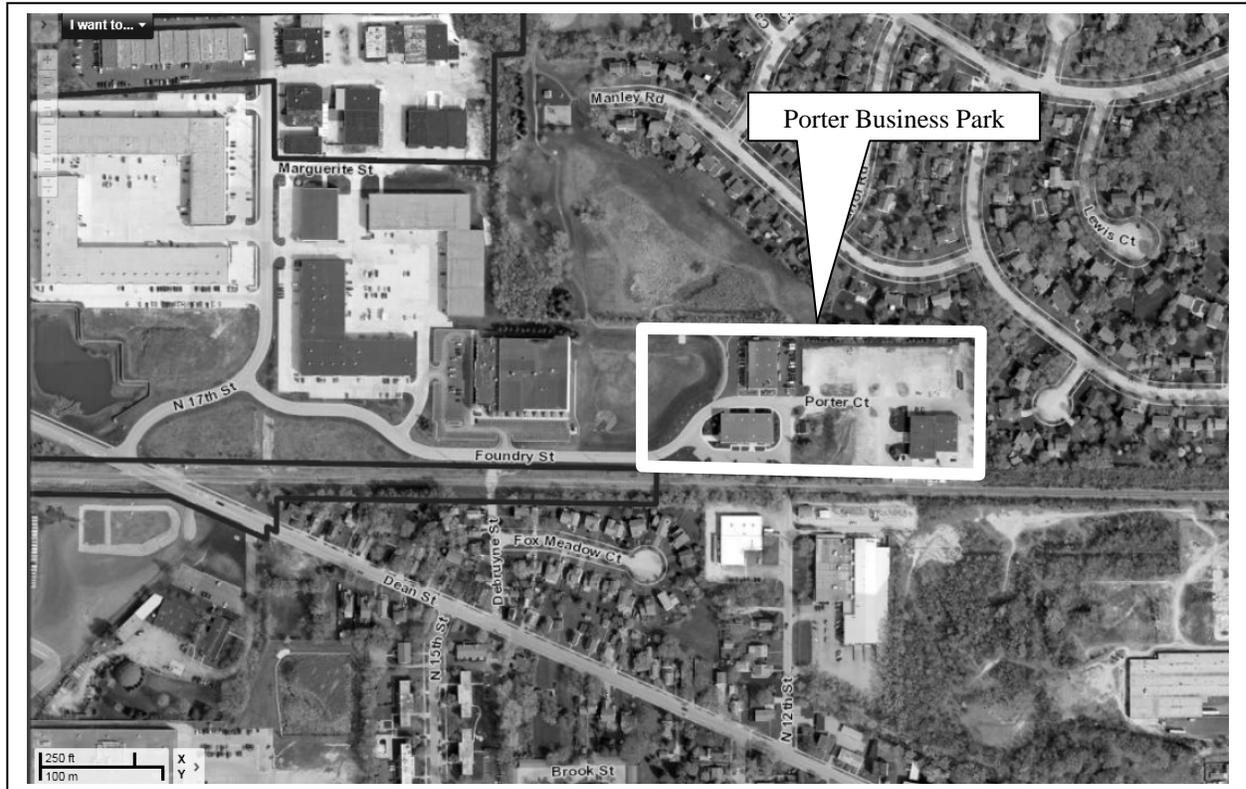
**Purpose:** Amend annexation agreement to extend the period of time an existing single-family residential home is permitted to remain within the business park.

<b>General Information:</b>		
<b>Site Information</b>		
Location	East of the Foundry Business Park and 17 <sup>th</sup> Street, and north of the existing rail road right-of-way.	
Acres	8.51	
Applications	<b>1) Annexation Agreement Amendment</b>	
Applicable Documents	Annexation Agreement (Porter)	
<b>Existing Conditions</b>		
Land Use	Single-Family Residential Unit/Porter Business Park	
Zoning	M-1 – Special Manufacturing (PUD-Porter Business Park)	
<b>Zoning Summary</b>		
North	RS-3 – Suburban Single-Family/ PL –Public Land	Single-Family Residences/ Public Park
East	RS-3 – Suburban Single-Family	Single-Family Residences
South	M-1 – Special Manufacturing	Manufacturing/Industrial Businesses
West	M-1 – Special Manufacturing (PUD)	Foundry Business Park
<b>Comprehensive Plan Designation</b>		
Special Manufacturing		

### Surrounding Zoning



### Aerial Photo



## II. BACKGROUND

### A. PROJECT HISTORY

In 2006 the City Council approved the annexation and Special Use for a Planned Unit Development for the Porter Business Park. In conjunction with this annexation, the City Council entered into an annexation agreement for the Porter Business Park entitled, “An Annexation Agreement for (Porter Business Park)”.

These documents permitted the development of the Porter Business Park. The details of these approvals are as follows:

- 6 industrial lots ranging from 0.96 to 1.3 acres.
  - Lot 6 accommodates the existing Porter Business that was constructed before this PUD was approved.
- Building envelopes showing possible building square footages ranging from 10,990 to 14,990 square feet.
- Construction of Porter Court.
- Construction of parking areas.
- A landscape buffer along the northern property line.
- A bike path connection through the Porter Business Park to the Timber Trails Park to the north.

### B. ANNEXATION AGREEMENT

The annexation agreement contains provisions that stipulate the timing for the construction or demolition of certain items. Specifically, phase 3 contemplated the demolition of the existing single-family home on lot 5. Subsection 5, Phase 3 of the annexation agreement states the following:

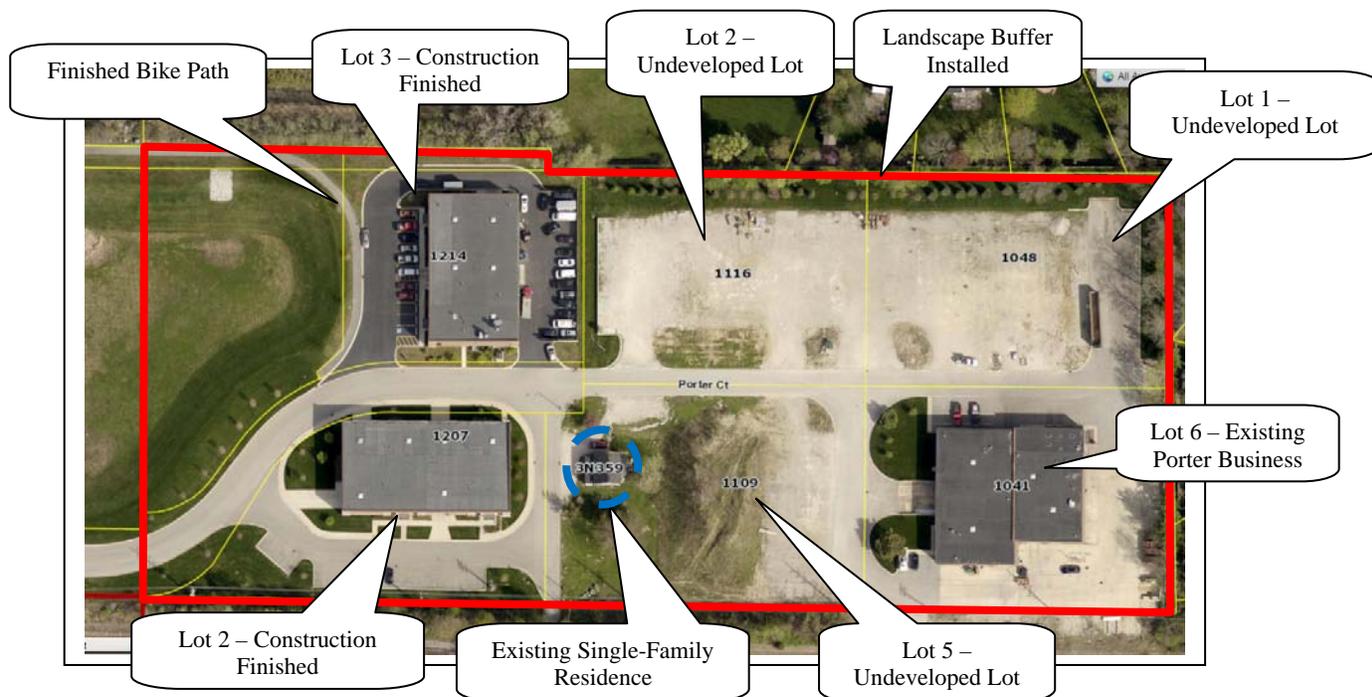
*“Phase 3: The Following work or improvements shall occur on or before December 31, 2010:*

- 1. Demolition and removal of the existing residence on Lot 5.”*

At this time, there has not been a building permit submitted for lot 5 and the single-family home has not been demolished.

### C. CONSTRUCTION STATUS OF PORTER BUSINESS PARK

Unfortunately, due to the downturn in the economy the development schedule has not proceeded as originally contemplated. Staff has included the following illustration to depict the current status of the development and related improvements.



### III. PROPOSAL

Mr. Porter does not developing lot 5 in the near future, and there is a renter occupying the residential unit.

Mr. Porter would like to amend the annexation agreement to permit the continued use of a single-family unit on lot 5. The proposed amendment would state that the single-family residential unit would be permitted to remain until such a time that a building on lot 5 is approved by the City. A demolition permit will be required to be submitted at the same time any permits for construction are filed in relation to lot 5.

The Building and Code Enforcement Division and Fire Department have examined the proposal and do not have any concerns with the house remaining on the site for the foreseeable future.

### IV. REQUESTED ACTION

Recommend approval of and direct Staff to draft an amendment to the Porter Business Park annexation agreement to permit the single-family home on Lot 5 to remain until a building permit for Lot 5 is approved by the City; or, until December 31, 2014, whichever comes first.

### V. ATTACHMENTS

Photos of existing single-family home located on lot 5 in the Porter Business Park.

Cc: Russell Colby, Planning Division Manager  
Richard Porter

**Photos of Existing Single-Family Home Located on Lot 5 in the Porter Business Park**







ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Plat of Easement between the Thatcher Property Group, LLC and the City of St. Charles.
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Presenter:	Christopher Tiedt
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*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (11/12/2012)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

Public utility and drainage easements are being granted to the City of St. Charles by the Thatcher Property Group, LLC. Such easements will allow for access and maintenance of the electric and water system improvements, as well as the stormwater detention facility, that were constructed as part of the redevelopment of the former Baker's Square property located at 1510 E. Main Street.

**Attachments:** *(please list)*

Grantor approved Plat of Easement Thatcher Property Group, LLC and the City of St. Charles.

**Recommendation / Suggested Action** *(briefly explain):*

Staff recommends approval of a plat of easement between the Thatcher Property Group, LLC and the City of St. Charles and authorize the Mayor and Clerk to execute the same.

*For office use only:*

*Agenda Item Number: 3b*





## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Resolution Authorizing the Execution of the First Amendment to the Land Improvement Agreement for The Reserves of St. Charles By and Between the City of St. Charles, Omni-Tech, LLC and The Ryland Group, Inc.
Presenter:	Christopher Tiedt

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (11/12/2012)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

In 2009, The Ryland Group sold the remaining lots and the responsibility to complete remaining public improvements required per the annexation agreement for The Reserves of St. Charles to Omni-Tech, LLC. The City entered into a Land Improvement Agreement with Omni-Tech, LLC to insure that all remaining public land improvements were completed. The original agreement stipulated that all remaining public land improvements were to be completed within two years of the execution of the agreement.

Given the current economic conditions, Omni-Tech, LLC has had difficulties in selling the vacant lots and completing the remaining improvements in the subdivision; and therefore is requesting an amendment to the land improvement agreement. As of today, eleven lots in Phase I and all lots in Phase II remain vacant.

The amendment to the land improvement agreement will require Omni-Tech, LLC to complete the public streets and storm sewer punchlists in Phase I by August 30, 2013 and grant them a time extension to October 31, 2016 to complete all other remaining land improvements within the subdivision.

The City Attorney has reviewed the first amendment to the land improvement agreement.

**Attachments:** *(please list)*

Resolution, First Amendment to Land Improvement Agreement

**Recommendation / Suggested Action** *(briefly explain):*

Staff recommends approval of the Resolution Authorizing the Execution of the First Amendment to the Land Improvement Agreement for The Reserves of St. Charles By and Between City of St. Charles, Omni-Tech, LLC and The Ryland Group, Inc.

<i>For office use only:</i>	<i>Agenda Item Number: 3c</i>
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**City of St Charles**  
**Resolution No. \_\_\_\_\_**

**A Resolution Approving the Execution of the First Amendment to the Land  
Improvement Agreement – The Reserves of St. Charles**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

WHEREAS, in 2009, the City, The Ryland Group, Inc. and Omni Tech, LLC (the “Developer”) entered into a land improvement agreement (“Agreement”) for the completion of certain public improvements of the property commonly known as The Reserves of St Charles (“Property”); and

WHEREAS, the Agreement was approved and authorized by the City pursuant to Resolution No. 2009-27 on July 20, 2009; and

WHEREAS, the Developer of the Property desires to amend certain provisions of the Agreement as to those matters Developer is obligated to complete pursuant to the Agreement and has requested the City to approve the amendments thereto; and

WHEREAS, after reviewing and considering the Developer’s request, the Mayor and City Council finds that amending the Agreement is in the best interests of the City and its residents.

NOW THEREFORE, be it resolved by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the Mayor and City Clerk be and the same are hereby authorized to execute that certain First Amendment to Land Improvement Agreement, in substantially the form attached hereto and incorporated herein as Exhibit A, by and behalf of the City of St Charles, with such changes as may be approved by the City Attorney.

This Resolution shall be in full force and effect following its passage and approval as required by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_ 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor Donald P. DeWitte

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstain: \_\_\_\_\_  
Absent: \_\_\_\_\_

**EXHIBIT A**

**First Amendment to the  
Land Improvement Agreement**

*This space reserved for Recorder's use only.*

**Prepared by:**

Evon S. Solms  
Janko Group, LLC  
1650 Lake Cook Rd., Suite 130  
Deerfield, IL 60015

**Return After Recording to:**

Tina Nilles  
City of St. Charles  
2 E. Main Street  
St. Charles, IL 60174

**FIRST AMENDMENT**  
**TO**  
**LAND IMPROVEMENT AGREEMENT**

This First Amendment to Land Improvement Agreement for The Reserves of St Charles (the "**First Amendment**") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2012 between the **City of St Charles, Illinois**, a municipal corporation (the "**City**") and **Omni-Tech, LLC**, an Illinois limited liability company (the "**Developer**"; the Developer and the City are herein collectively called the "**Parties**").

W I T N E S S E T H:

**WHEREAS**, the City, the Original Developer and Developer entered into a land improvement agreement dated July 20, 2009 ("**Agreement**") for the completion of certain public improvements of the property commonly known as The Reserves of St Charles ("**Property**"); and

**WHEREAS**, the Developer desires to amend certain provisions in the Agreement and the

City desires to consent to such modifications; and

**WHEREAS**, there is no requirement for a Public Hearing to be conducted in order for the Agreement to be amended; and

**WHEREAS**, all other procedures have been followed and notices have been given and resolutions, ordinances and other matters shall be enacted to give lawful effect to the approvals and agreements contained herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, agreements and conditions herein contained and by the authority of and in accordance with the Statutes of the State of Illinois, the parties hereto agree that:

1. The improvements completed by the Original Developer pursuant to the Agreement have been accepted by the City, the warranty period has expired and the maintenance security has been released by the City; therefore, the Original Developer Obligations under the Agreement have been completed.

2. The City hereby grants to Developer an extension of time to complete the repairs to binder, curb and gutter and install final surface to Phase 1 of the Property (as described in Exhibit A of the Agreement) to August 30, 2013 (collectively referred to as the “**Road Work**”).

3. Upon completion of the Road Work, the Developer may request acceptance by the City of the completed Land Improvements and submit a Maintenance Letter of Credit per Title 16 of the City Code. Upon receipt of the Maintenance Letter of Credit, the Developer’s performance letter of credit shall be reduced by the appropriate amount for the accepted improvements. The twelve month maintenance period referenced in Section 9 of the Agreement shall, for that portion of Reserve Drive located in Phase 1, be extended so as to expire at the same time that the maintenance period for Phase 2. The Developer shall either (i) provide a

separate Maintenance Letter of Credit for Reserve Drive with an expiration date in accordance with this First Amendment, (ii) include language in the Maintenance Letter of Credit for all Phase 1 Improvements that provides for the extension of its expiration date with respect to the extended Reserve Drive maintenance period, or (iii) amend the Phase 2 Letter of Credit to increase it by the amount required to secure the extended maintenance period for Reserve Drive. The form of any Letter of Credit delivered hereunder shall be subject to approval by the City Attorney.

4. The City hereby grants to Developer an extension of time to October 31, 2016 to complete all the remaining Land Improvements in Phase 2 (as described in Exhibit A of the Agreement), as well as any required bike path in Phase 1.

4. Notwithstanding anything contained herein to the contrary, the Developer shall be permitted to construct the sidewalks adjacent to each residential unit being constructed on the Property concurrently with each such unit. No certificate of occupancy for a residential unit shall be issued until the sidewalk adjacent thereto is completed and accepted by the City. The sidewalks shall be secured by a Maintenance Letter(s) of Credit in the same manner as all other Land Improvements.

5. All terms and conditions set forth in the Agreement are in full force and effect unless expressly amended herein by this First Amendment. In the event of any conflict between the terms and conditions in this First Amendment and the terms and conditions of the Agreement, the terms and conditions of this First Amendment shall govern and control. All terms not otherwise defined in this First Amendment shall have the meanings ascribed to them in the original Agreement. In the event of a conflict in such meanings, the definitions set forth in this First Amendment shall control. If any pertinent existing resolutions or ordinances, or

interpretations thereof, of the City are inconsistent or in conflict with any provision hereof, then the provisions of this First Amendment and the ordinances passed in pursuance hereof shall constitute lawful and binding amendments to, and shall supersede the terms of said inconsistent ordinances or resolutions, or interpretations thereof, as they may relate to the Property.

6. This First Amendment and the Agreement shall be deemed as covenants running with the land, and shall bind any person having an interest in the Property and such First Amendment and the Agreement shall inure to the benefit of the Developer, its successors and assigns.

7. The "Effective Date" of this First Amendment shall be the date of its execution by the City.

8. This First Amendment may be executed in counterparts, all of which together shall constitute one and the same instrument.

SIGNATURES ARE ON THE FOLLOWING PAGE.

IN WITNESS WHEREOF, the parties have executed this Second Amendment on the day and year first above written.

**CITY:**

**City of St Charles**

By: \_\_\_\_\_

Its: Mayor

**ATTEST:**

\_\_\_\_\_

Its: City Clerk

**DEVELOPER:**

**OMNI-TECH, LLC**

By: \_\_\_\_\_

Its: Gary R. Janko, Manager



STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

The undersigned, a Notary Public in and for the State aforesaid, CERTIFIES THAT GARY R. JANKO, Manager of OMNI-TECH, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing First Amendment, appeared before me this day in person and acknowledged that he signed, and delivered the instrument as his free and voluntary act, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

{SEAL}



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve TIF Redevelopment Agreement (RDA) between St. Charles – 333 North Sixth Street, LLC (Lexington Club redevelopment) and the City of St. Charles.
Presenter:	Chris Aiston

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (11/12/12)		City Council

Estimated Cost:		Budgeted:	YES	NA	NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

Lexington Club is requesting the City of St. Charles establish a Tax Increment Financing District in support of a residential development proposed for the former Applied Composites industrial property, generally located between 6<sup>th</sup> and 12<sup>th</sup> Avenues and between State Street and the Union Pacific Rail Road ROW. Further, Lexington Club is also proposing the City enter into a redevelopment agreement (“RDA”), pursuant to Illinois TIF statutes, with St. Charles – 333 North Sixth Street, LLC (subject property owner).

Through this RDA, the City will commit to reimbursing the property owner for costs associated with demolition, site leveling and environmental remediation, in a total amount not to exceed six million dollars (plus interest). TIF funds will be disbursed on a pay-as-you-go basis, as any and all TIF funds reimbursed to the developer will occur only after TIF incremental revenues are received sufficient to pay such reimbursable costs. A list of specific terms set forth in the RDA is attached. Please note that the Committee recommended approval of the PUD zoning entitlements in May of this year.

**Attachments:** *(please list)*

List of Pertinent Agreement Terms; Ordinance Authorizing the Mayor and City Clerk to execute the RDA on behalf of the City; Lexington Club Redevelopment Agreement

**Recommendation / Suggested Action** *(briefly explain):*

Recommend that the Planning & Development Committee recommend that the City Council approve the an Ordinance authorizing the Mayor and City Clerk to execute the Agreement with St. Charles – 333 North Sixth Street, LLC.

<i>For office use only</i>	<i>Agenda Item Number: 4a</i>
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## **General Terms for Lexington Club Proposed Tax Increment Financing Redevelopment Agreement (RDA)**

### **A. LEXINGTON CLUB OBLIGATIONS**

1. Demolish existing structures on subject property, remediate environmental hazards, level subject property to create development-ready site, and construct the Lexington Club project (up to 102, but no less than, 100 2-Story Townhomes and up to 28, but no less than, 27 Single Family Detached Homes).
2. Submit a complete application for Final Subdivision and PUD Plat Approval, as to commence redevelopment of subject property within sixty (60) days of City Council approval of Preliminary PUD.
3. Successfully enroll property in Illinois Environmental Protection Agency's Site Remediation Program within 240 days of receiving City Council approval of Final Subdivision and PUD Plat.
4. Remediate Recognized Environmental Concerns and take all necessary actions to obtain Final No Further Remediation (NFR) letter or letters from the Illinois Environmental Protection Agency.
5. Make the following off-site required public improvements:
  - a. Install 10-inch water main generally along Mark Street from 6<sup>th</sup> to 9<sup>th</sup> Streets, along 9<sup>th</sup> Street south to State Street, continuing to water main near Dean St., looping the site per City code.
  - b. Construct full improvement of 9<sup>th</sup> Street from State Street north into subject property, per City standards.
  - c. Construct 5-foot sidewalk on north side of State Street, between 7<sup>th</sup> and 9<sup>th</sup> Streets.
  - d. Construct missing sidewalk segments on 7<sup>th</sup> Street, north of State Street.
6. Substantially complete all on-site public improvements for project (e.g., water, electric, storm and sanitary sewer utilities, roads) by October 15, 2016.
7. Per the approved PUD, Lexington will convey to the St. Charles Park District a .09-acre parcel fronting on 9th Street shown. The remainder of the Park and School contribution shall be provided as cash in lieu of land contribution in accordance with the provisions of Title 16 of the St. Charles Municipal Code. If the bedroom count used to calculate the initial cash contribution changes, the amount of the contribution shall be adjusted at the time of building permit.
8. Prior to the 65<sup>th</sup> occupancy permit, Lexington shall deposit with the City a cash contribution of \$200,000 to be used for off-site street or intersection improvements, at the sole discretion of the City Council.
9. Lexington shall complete the Project no later than December 31, 2021.

### **B. CITY OBLIGATIONS**

1. City shall deposit all Tax Increment revenues into a specially designated TIF Fund, per statute.
2. City shall issue a "Placeholder Note" upon execution of the Agreement to evidence the City's commitment to providing TIF support for the project
3. When the developer has submitted, and City has approved, Certificates of Cost and proof of payment of same, the City will issue Notes to document the obligation to reimburse the developer from TIF proceeds that are deposited in the TIF Fund. .
  - a. Notes shall payable solely from the monies deposited in the aforementioned TIF fund.
  - b. Notes do not constitute a general obligation of the City, nor shall they be secured by the full faith and credit of the City.
4. Notes shall be redeemed only as TIF funds are available.
5. Once Tax Increment is deposited into TIF fund, City shall disburse such monies as follows:

- a. First to pay, or allocate amounts sufficient to satisfy state set-aside for school and library districts.
  - b. Next, to pay or allocate amounts sufficient to satisfy reasonable/necessary City costs (professional consulting, legal, financial, administrative, etc.)
  - c. Next, to pay interest and mandatory redemption payments on Note(s).
  - d. To reimburse developer's costs
6. Total of reimbursement, not including interest, shall not exceed \$6,000,000 or actual costs, whichever is the less.
  7. Reimburse developer in an amount not to exceed \$97,300 for off-site extension and installation of approximately 800 feet of 10-inch water main along west side of 9<sup>th</sup> Street and the north side of State Street.

**City of St. Charles, Illinois**  
**Ordinance No. \_\_\_\_\_**

**An Ordinance Authorizing the Mayor and City Clerk to enter into a Certain  
Lexington Club Development Agreement Regarding the City of St. Charles  
Lexington Club Redevelopment Project Area**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

WHEREAS, the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois (the "City") has heretofore determined that it is necessary and advisable for the public health, safety, welfare and convenience of residents of the City that the City undertake a redevelopment project and have heretofore approved a redevelopment plan (the "Plan") and designated a redevelopment project area (the "Project Area") for that portion of the City known as the City of St. Charles Lexington Club Redevelopment Project Area, all as authorized by the Tax Increment Allocation Redevelopment Act, as amended; and,

WHEREAS, it is desirable and in the best interest of the residents of the City for the City to enter into a development agreement (the "Agreement") with St. Charles – 333 North Sixth Street, LLC (the "Developer") regarding a portion of said Project Area, in furtherance of the Plan; and

WHEREAS, the Agreement is on file with the City Clerk of the City and available for public inspection.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, as follows:

Section 1. That the Mayor and City Clerk be and the same are hereby authorized to execute the Agreement between the City and the Developer, in substantially the form attached hereto as Exhibit "A", and, by this reference, incorporated herein.

(ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto ASSINGEE of NOTE \_\_\_\_\_ the within Note and does hereby irrevocably constitute and appoint attorney to transfer the said Note on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_  
Registered Owner

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the Note in every particular, without alteration or enlargement or any change whatever.

Consented to as of: \_\_\_\_\_

City of St. Charles, Illinois

By: \_\_\_\_\_

Title: \_\_\_\_\_  
Finance Director

## **LEXINGTON CLUB REDEVELOPMENT AGREEMENT**

This Lexington Club Redevelopment Agreement (hereinafter referred to as the “Agreement”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of St. Charles, a municipal corporation, organized and incorporated under the laws of the State of Illinois and St. Charles – 333 North Sixth Street, LLC, an Illinois limited liability company.

### **RECITALS**

A. Pursuant to the terms of a Redevelopment Plan entitled “Lexington Club Redevelopment Project Area Redevelopment Plan and Project”, dated January 10, 2012 (as amended from time to time, hereinafter referred to as the “Redevelopment Plan”), the City designated a certain area within its municipal limits for redevelopment and revitalization. Part of the Lexington Club Redevelopment Project Area which is the subject matter of this Agreement (the “Site”) in said Redevelopment Plan is outlined on Exhibit “A” and legally described on Exhibit “B”, which Exhibits are attached hereto and made a part hereof.

B. The Redevelopment Plan recites that the Lexington Club Redevelopment Project Area is characterized by conditions which warrant the designation of portions of the area as a “conservation area” and the remaining portions of the area as a “blighted area”, as such terms are defined in the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended (the “Act”). The Redevelopment Plan further recites that City is desirous of having the Site redeveloped and revitalized as a vibrant residential district in order to strengthen the City’s economic base and enhance the quality of life of the City as a whole.

C. The Developer, in accordance with the Redevelopment Plan, will construct a residential development consisting of up to 102, but not less than 100, two-story townhomes, and up

to 28, but not less than 27, single family detached homes and install certain Required Public Improvements, all as more fully described on Exhibit “C” attached hereto and made a part hereof (the “Project”).

D. The City has the authority to promote the health, safety and welfare of its inhabitants, to prevent the onset of blight while instituting conservation measures, and to encourage private development in order to enhance the local tax base, and to enter into contractual agreements with third parties for the purpose of achieving the aforesaid purposes.

E. The City is authorized under the provisions of the Act to finance eligible redevelopment project costs in accordance with the conditions and requirements set forth in the Act.

F. To stimulate the redevelopment of the Area, and pursuant to the Act, the corporate authorities of the City passed the following Ordinances: (1) Ordinance No. \_\_\_\_\_, “An Ordinance Of The City Of St. Charles, Kane And Du Page Counties, Illinois, Approving A Tax Increment Redevelopment Plan And Redevelopment Project For The Lexington Club Redevelopment Project Area”; (2) Ordinance No. \_\_\_\_\_, “An Ordinance Of The City Of St. Charles, Kane And Du Page Counties, Illinois, Designating The Lexington Club Redevelopment Project Area A Redevelopment Project Area Pursuant To The Tax Increment Allocation Redevelopment Act”; (3) Ordinance No. \_\_\_\_\_, “An Ordinance Of The City Of St. Charles, Kane And Du Page Counties, Illinois, Adopting Tax Increment Allocation Financing For The Lexington Club Redevelopment Project Area” (the Ordinances together with the exhibits appended thereto are sometimes hereinafter collectively referred to as the “Ordinances”).

G. The City Council of the City has determined that the construction of the Project would be, in all respects, consistent with and in furtherance of the Redevelopment Plan.

H. The City Council has further determined that a deviation from the requirements under Chapter 17.18 of the City's Zoning Ordinance pertaining to affordable dwelling units and the payment or reimbursement of a portion of the Redevelopment Costs, as hereinafter more fully defined, would promote the development of the Project consistent with the purposes of the Act, the Redevelopment Plan, the Ordinances, and this Agreement.

In consideration of the foregoing recitals and the covenants and conditions hereinafter set forth, and for other good and valuable consideration, the adequacy and sufficiency of which the Parties hereby stipulate, the Parties hereby agree as follows:

**Section 1. Incorporation of Recitals.** The foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1, and this Agreement shall be construed in accordance therewith.

**Section 2. Definitions.** For purposes of this Agreement, the capitalized terms not otherwise defined in this Agreement shall have the following meanings:

“Applicable Laws” – means any and all applicable Federal, State and local laws, statutes, ordinances, rules, regulations and executive orders applicable to the Project as the same may, from time to time, be in force and effect, including, but not limited to, the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.* the Environmental Barriers Act, 410 ILCS 25/1 *et seq.*, and the Fair Housing Act, 42 U.S.C. 3601, *et seq.* and all amendments thereto.

“Area” - means the Lexington Club Redevelopment Project Area, as designated in Ordinance No. \_\_\_\_\_ of the City.

“Budget” - means the Developer's estimate of the costs of the Project, as more fully described in Section 6 hereof.

“Certificate of Completion” – means a certificate issued by the City in a recordable form upon completion of construction in compliance with the terms and conditions of this Agreement that certifies the Developer has fulfilled its obligation to complete the Project in compliance with the terms and conditions of this Agreement.

"Certificate of Redevelopment Costs" - means the certificate provided by the Developer to the City in accordance with this Agreement and evidencing Redevelopment Costs incurred by the Developer, as more fully described in Section 9(b) hereof.

“Charges” – means all generally applicable Federal, State and local governmental (or any instrumentality, division, agency, body or department thereof) taxes, levies, assessments, charges, fees, liens, claims or encumbrances or non-governmental claims or liens upon and/or relating to the Site, the Project, Developer’s business, Developer’s income and/or gross receipts and insurance premiums due on any policy or policies of insurance required pursuant to Section 12 hereof.

“City” - means the City of St. Charles, a municipal corporation organized and incorporated under the laws of the State of Illinois.

“Control Documents” – means all of the terms and conditions of this Agreement, the Ordinances, the Applicable Laws, the Zoning Approval Ordinance and each and every exhibit attached to and incorporated in any of the foregoing documents, the Plans and Specifications, and any required permits issued by City or other governmental body, as any of the same may from time to time be duly and lawfully amended.

“Cure Period” – means the period of forty five (45) days after an Event of Default within which the defaulting Party may remedy the default as further described in Section 10(g).

“Developer” - means St. Charles – 333 North Sixth Street, LLC, its successors and assigns, and any trustee under any title-holding trust which shall, during the term of this Agreement, hold

legal title to any portion or all of the Site, but not including any subsequent owners of individual residential units.

“Fund” - means the City of St. Charles Lexington Club Redevelopment Project Area Special Tax Allocation Fund.

“Net TIF Proceeds” - means tax funds deposited into the Fund attributable to the parcel identification numbers (P.I.N.s) of the Site, minus those funds paid or set aside pursuant to Section 9(d)(i) and (ii) hereof.

“Party” or “Parties” - means the City and/or the Developer.

“Project” - means the redevelopment project described in Exhibit “C” hereto and the Required Public Improvements.

“Redevelopment Costs” - means eligible “redevelopment project costs” as defined in the Act, and as identified in Exhibit “D” attached hereto and incorporated herein.

“Required Public Improvements” - means the public land improvements, both on-site and off-site, described in the Improvement Agreement and the final engineering plans.

“Tax Increment” - means real estate revenues generated from time to time within the Site, if any, which are attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Area over and above the initial equalized assessed value of each property in the Site, as certified by the Kane County Clerk.

“Zoning Approval Ordinance” – means the ordinance passed by the City granting the rezoning and special use approval necessary to proceed with construction of the Project, as may be amended from time to time.

**Section 3. Developer’s Covenants, Representations and Warranties.** The Developer covenants, represents and warrants to the City as follows:

(a) *Charges.* Developer shall pay promptly when due all proper and lawful Charges arising or incurred from and after the date hereof with respect to the Site and the Project.

(b) *Organization and Authority.* The Developer is a duly organized and existing limited liability company organized and existing in good standing under the laws of the State of Illinois, and has the authority to enter into, execute, deliver and perform this Agreement.

(c) *Progress Reports.* Until construction of the Project is complete, the Developer shall make quarterly progress reports to the City regarding the Project by the first day of January, April, July and October of each year. Said reports shall include an updated construction schedule and shall be in the form attached hereto and incorporated herein as Exhibit "E".

(d) *Right of Inspection.* The Developer hereby agrees to permit the City's authorized agents and employees to, during the normal business hours, inspect the Project as it is being constructed. If the City desires to inspect an occupied unit once a certificate of occupancy has been issued for said unit, it may only do so upon the agreement of the unit owner or occupant, or as otherwise permitted by law.

(e) *No Discrimination.* The Developer, in connection with the construction of the Project, shall comply with the fair employment/affirmative action provisions set forth in the Redevelopment Plan and as required by the Act and Applicable Laws (as hereinafter defined).

(f) *Miscellaneous Developer Covenants.* (i) The Developer is now solvent and able to pay its debts as they mature; (ii) Developer, upon due inquiry, is unaware of any actions at law, in equity or similar proceedings which are pending or threatened against the Developer, which are reasonably likely to be adversely determined and result in any material and adverse change to the Developer's financial condition, or materially affect the Developer's assets as of

the date of this Agreement; (iii) the Developer has or will obtain all required government permits, certificates, consents (including, without limitation, appropriate environmental clearances and approvals) necessary to permit Developer to construct, occupy and operate the Project; (iv) no default has been declared with respect to any indenture, loan agreement, mortgage, deed or other similar agreement relating to the borrowing of moneys to which the Developer is a Party or by which it is bound which has not been cured or which is reasonably likely to result in a material and adverse change to the Developer; and (v) there has been no material and/or adverse change in the assets, liabilities or financial condition of the Developer other than as a result of the ordinary and customary conduct of its business; (vi) the execution and delivery of this Agreement by the Developer, and the performance of this Agreement by Developer, have been duly authorized by Developer, and this Agreement is binding on Developer and enforceable against Developer in accordance with its terms; (vii) no consent of any creditor, investor, judicial or administrative body, governmental authority or other Party to such execution, delivery and performance is required; (viii) neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will (a) result in a breach of, default under, or acceleration of, any agreement to which Developer is a Party or by which Developer is bound; or (b) violate any restriction, court order or agreement to which Developer is subject.

**Section 4. City's Covenants.** The City covenants, represents and warrants to the Developer as follows: (a) the City has authority pursuant to the Act to execute and deliver and perform the terms and obligations of this Agreement; (b) the execution and delivery of this Agreement by the City, and the performance of this Agreement by the City, have been duly authorized by the corporate authorities of the City, and this Agreement is binding on the City and

enforceable against the City in accordance with its terms; (c) no consent of any creditor, investor, judicial or administrative body, governmental authority or other Party to such execution, delivery and performance is required; (d) neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will (i) result in a breach of, default under, or acceleration of, any agreement to which the City is a Party or by which the City is bound; or (ii) violate any restriction, court order or agreement to which the City is subject.

**Section 5. Remedies Upon Failure To Complete.** If the Developer fails to timely comply with the Enrollment Completion Date, or thereafter, the Required Public Improvement Completion Date or the Project Completion Date, as those terms are defined in Section 7(g), in compliance with the terms of this Agreement, then the City will have, but will not be limited to, the right to terminate this Agreement upon written notice to the Developer and cease all reimbursement of Redevelopment Costs not yet reimbursed under this Agreement.

**Section 6. Budget; Evidence of Financing.** Attached hereto and incorporated herein as Exhibit “F” is the Budget setting forth the Developer’s best estimate of the costs of the Project and indicating Redevelopment Costs.

Prior to commencing construction on the Project, the Developer shall submit documentation in a form satisfactory to the City evidencing the Developer's equity contribution to the Project and a commitment from a bank or other financial institution to finance the remaining costs of the Project.

**Section 7. Approval and Construction of the Project.**

(a) *Zoning.* Construction of the Project is contingent upon the passage of the Zoning Approval Ordinance, a copy of which is attached hereto as Exhibit “G”. All provisions of the Zoning Approval Ordinance, as from time to time duly and lawfully amended, are hereby

incorporated into and made a part of this Agreement as though they were fully set forth herein. Minor changes and authorized administrative changes, as those terms are defined in the City's Zoning Ordinance, may be made regarding the Project without amendment to this Agreement if the City determines, in its sole discretion, that such changes are not inconsistent with this Agreement. Major changes, as defined in the City's Zoning Ordinance, shall not be made without amendment of this Agreement.

(b) *Submission of Final Plat Approval Application; Plans and Specifications; Permit Applications.* Developer shall submit a complete application for Final Subdivision and PUD Plat approval within sixty (60) days following the date the City Council passes the Zoning Approval Ordinance.

Prior to the issuance of the initial building permit for the Project, the Developer shall submit complete building plans, engineering plans and construction documents containing working drawings and specifications to the City for review and approval in such form as the City customarily requires (the "Plans and Specifications") prepared in accordance with the other Control Documents.

The Developer shall also file all required applications and supporting documentation as may be necessary to secure any permit required to be issued by any other unit of government whose approval is a necessary precondition to Developer's right to construct the Project.

(c) *Environmental Remediation.* The Developer shall take all necessary actions to obtain a "Final No Further Remediation" letter or letters from the Illinois Environmental Protection Agency ("IEPA") for the entire Site. Following the issuance of "Draft No Further Remediation" letter(s) for the Site, as described elsewhere, the Developer shall, on a quarterly basis as part of the progress reports required by Section 3(c) hereof, keep the City apprised of activities it has undertaken in order to obtain the "Final No Further Remediation" letter(s) for the Site.

No building permits shall be issued by the City until (i) the demolition phase of the Project has been completed, (ii) a “Draft No Further Remediation” letter has been issued by the IEPA for the portion of the Project for which permits are requested, and (iii) the Developer’s environmental consultant, Huff & Huff, has submitted a certification to the City that the required pre-construction remedial work for such portion has been satisfactorily completed.

(d) *Construction of Project in Conformance with Control Documents.* Developer shall construct the Project in conformance with, and, in connection therewith, shall be governed by, adhere to and obey, the Control Documents.

To the extent required by law, the Developer shall comply with, and shall require its contractor to comply with, the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq.* (the “PWA”). The Developer hereby agrees to indemnify and hold the City harmless from all liability, loss, cost, fine, penalty, interest or other expense, including court costs and attorneys' fees relating to any such judgments, awards, litigation, suits, demands or proceedings that may result from any failure by the Developer or its contractors or subcontractors to comply with the PWA.

(d) *Competitive Proposals for Construction of Project.* The Developer shall cause its General Contractor to obtain competitive proposals from at least three (3) qualified firms for contracts regarding work comprising the Redevelopment Costs, and shall prepare a written memorandum documenting its reasons for selecting the successful firm.

(e) *Diligence.* Developer shall, after obtaining all required approvals, construct the Project with due diligence. At the time of application for Final Subdivision and PUD Plat approval, as referenced in (b) above, the Developer shall submit its anticipated construction schedule.

(f) *Covenant to Construct all Required Public Improvements.* The Developer shall cause the Required Public Improvements to be constructed by the Required Public Improvement Completion Date, as defined in subsection (g) below. Prior to the issuance of the first building permit for the Project, the Developer shall submit an executed copy of the City's standard Developer's Undertaking/Improvement Agreement (the "Improvement Agreement") and submit the financial guarantee/performance security required therein.

In addition to the on-site Required Public Improvements, the Developer shall construct the following off-site Required Public Improvements:

- (i) Installation of a 10 inch water main generally along Mark Street from 6<sup>th</sup> Street to 9<sup>th</sup> Street, along 9<sup>th</sup> Street south to State Street, continuing to the existing 10" water main near Dean Street, to complete a 10" water main loop through the Site.
- (ii) Full improvement of 9<sup>th</sup> Street from State Street north into the Site, improved to the same standards as the streets within the development, including curb and gutter, storm sewer, sidewalks, street trees, and street lighting.
- (iii) Installation of a 5 ft. wide sidewalk on the north side of State Street, between 9<sup>th</sup> and 7<sup>th</sup> Streets, connecting to existing sidewalks at both intersections.
- (iv) Installation of missing sidewalk segments on 7<sup>th</sup> Street north of State Street.

With respect to the Developer's offsite extension and installation of the approximately 800 feet of ten inch (10") water main along the west side of 9<sup>th</sup> Street and the north side of State Street, as identified on the preliminary engineering plans approved as part of the Zoning Approval Ordinance, the City shall reimburse the Developer for the actual cost to install the portion of the water main located offsite, subject to the limitations, terms and conditions of the Zoning Approval Ordinance.

Upon completion of any Required Public Improvement and, further, upon (i) receipt and approval of record drawings by the City, and (ii) the submission to the City of a certificate from the engineering firm employed by Developer stating that the said Required Public Improvement has been completed in conformance with the Plans and Specifications, the City shall, within thirty (30)

days after the City receives the aforesaid certification from the Developer's engineer, either (i) finally accept said Required Public Improvement, or (ii) designate in writing to Developer all corrections or alterations which shall be required to obtain a recommendation of final acceptance of said Required Public Improvement, specifically citing sections of the Plans and Specifications relied upon by the City.

Should the City reject any Required Public Improvement, or any portion or segment thereof, for a recommendation of final acceptance, the Developer shall cause to be made to such Required Public Improvement such corrections or modifications. The Developer shall cause the Required Public Improvements to be submitted and resubmitted as herein provided until the City shall finally accept same. No Required Public Improvement shall be deemed to be finally accepted until the City shall finally accept same.

In addition to all other requirements of this subsection, for those on-site Required Public Improvements that the Developer is required to convey to the City pursuant to an Improvement Agreement, the City shall not take title until such time as (i) a "Draft No Further Remediation" letter by the IEPA has been issued for the area surrounding such improvement, and (ii) the Developer's environmental consultant, Huff & Huff, has submitted a certification to the City that the required remedial work for such area has been satisfactorily completed.

(g) *Time for Completion.* The Developer shall complete the following components of the Project no later than the dates hereinafter provided:

- (i) **Site Remediation Program Enrollment:** The Developer shall perform all things necessary and appropriate to cause the Project to be enrolled with the IEPA in a Site Remediation Program within 240 days following the date the City records the Final Plat of Subdivision ("Enrollment Completion Date").
- (ii) **Required Public Improvements:** The Developer shall substantially complete all Required Public Improvements by October 15, 2016. For purposes of this subsection, "substantially complete" means that the construction of all Required

Public Improvements is complete other than: sidewalks, final lift of asphalt, parkway landscaping and punch list items (“Required Public Improvement Completion Date”).

(iii)Project Completion: The Developer shall complete construction of the Project no later than December 31, 2021 (“Project Completion Date”).

Upon completion of construction of the Project, and at the request by the Developer, the City shall issue a Certificate of Completion in a recordable form indicating that the Developer has completed its obligations under this Agreement. Notwithstanding the foregoing, the Developer shall not be entitled to the Certificate of Completion until such time as a “Final No Further Remediation” letter or letters has or have been issued by the IEPA for the entire Site.

**Section 8. Fees.** Developer shall pay, in connection with the development of the Project and the construction of the Required Public Improvements, such demolition, building or excavation permit fees, engineering, connection or tap-on fees, charges and inspection fees, any cash in lieu of property donation requirements for school and park purposes or any other permit or license (hereinafter the “Fees”) that are assessed on a uniform basis throughout the City and are of general applicability to other property within the City or this Agreement, except to the extent otherwise provided in the Zoning Approval Ordinance.

**Section 9. Financing of Project Costs.**

(a) *Developer's Cost.* Subject to payment or reimbursement of certain Redevelopment Costs by the City as hereinafter provided, the Developer shall be responsible for the entire cost of constructing the Project. Should the actual cost or expense of construction of any item constituting a Redevelopment Cost be greater than the amount set forth in Exhibit D, the Developer shall be required to pay such excess cost. Notwithstanding the foregoing, if actual costs for a particular line item shown in Exhibit D exceed the line item amount, the City shall reimburse Developer for such excess cost so long as the total amount reimbursed to the Developer does not exceed \$6,000,000.

The City reserves the right to examine all records relating to all costs paid by the Developer and to obtain from such consultants or experts as the City determines to be appropriate, such other information as is necessary for the City to evaluate compliance by the Developer with the terms hereof.

(b) *Reimbursement for Redevelopment Costs; Placeholder Note.* Subject to the terms and conditions of this Agreement and the Act, the City hereby pledges Net TIF Proceeds to reimburse Developer for Redevelopment Costs up to a maximum principal amount of \$6,000,000. The City shall evidence its obligation to reimburse Developer for such Redevelopment Costs by the execution and delivery of a “Placeholder Note” substantially in the form set forth in Exhibit "H" attached hereto and incorporated herein. The Placeholder Note shall be issued upon execution by both Parties of this Agreement; however, it shall only accrue interest on the outstanding principal balance as evidenced by an approved Certificate of Redevelopment Costs verifying that the requested reimbursement is solely for Redevelopment Costs incurred.

The Certificate of Redevelopment Costs shall include the following information:

- (i) a copy of the executed contract(s), agreement(s) for services or purchase order(s) underlying the payment of funds for which the Developer is requesting reimbursement;
- (ii) signed sworn statement and a contractor's affidavit listing the subcontractor(s) and material supplier(s) with the total contract price, the amount previously paid, the amount of the requested payment and the balance due;
- (iii) certified payroll records;
- (iv) partial lien waivers for the amount of the requested reimbursement; and
- (v) such other information requested by the City in order to verify that the requested reimbursement is solely for Redevelopment Costs.

The City shall have thirty (30) days from the date of a complete request for issuance to approve said request or to request the Developer to supplement or revise the information submitted.

The Placeholder Note shall bear interest on the outstanding principal amount, as evidenced by approved Certificates of Redevelopment Costs, at the rate of the lesser of (i) the BAA 20-Year G.O. Bond Index as published by Reuters Municipal Market Data on the date of issuance of the Placeholder Note plus 150 basis points or (ii) 6.75% (computed on the basis of a 360-day year of twelve 30-day months). The rate shall be set upon the date immediately prior to the date of execution of this Agreement by the last Party to execute it and shall be fixed for the full maturity of the Note (the "Fixed Interest Rate"). Interest shall not compound.

If there are Certificates of Redevelopment Costs approved in an initial amount of less than \$6,000,000 and the Developer subsequently incurs additional Redevelopment Costs, the principal balance of the Placeholder Note shall be increased upon the submission and approval of an additional Certificate of Redevelopment Costs pursuant to the procedure outlined above. Interest shall accrue on the additional principal amount commencing on the date of approval of the additional Certificate of Redevelopment Costs.

The Parties agree that no payments shall be due under the Placeholder Note and that the purpose of its issuance is simply to evidence the City's obligation to reimburse certain Redevelopment Costs to the Developer pursuant to the provisions of this Agreement.

(c) *Retirement of Placeholder Note; Issuance of Note(s)*. Upon substantial completion of the Required Public Improvements, as described in Section 7(g)(ii), the Developer shall return the Placeholder Note to the City. The City shall retire the Placeholder Note and issue a note or notes (each a "Note), substantially in the form attached hereto and incorporated herein as Exhibit "I", to the Developer in the same aggregate principal amount and bearing the same interest rate as the Placeholder Note and subject to the other terms and provisions of this Agreement.

If the principal amount of the Note(s) issued to replace the Placeholder Note is less than \$6,000,000, and additional Redevelopment Costs are incurred by the Developer, the Developer may submit a request for additional Note(s) upon the same procedures set forth in subsection (b).

The Note(s) shall be payable solely from and secured by a lien on the Net TIF Proceeds.

The Developer acknowledges that no opinion regarding exemption of interest on the Note(s) from federal income taxation will be provided by the City.

The Note(s) shall not constitute a general obligation of the City, nor shall it be secured by the full faith and credit of the City. Interest shall not compound. The Note(s) shall mature twenty (20) years following its date of issuance or December 31, 2036, whichever shall first occur. The Note(s) shall be subject to mandatory redemption, without premium, in whole or in part, on any Scheduled Payment Date (as defined below) to the extent there are Net TIF Proceeds available for such payment. Each Note shall be subject to redemption at the option of the City without premium, as a whole or in part, at any time from and after three (3) years from its date of issuance but only to the extent that there are Net TIF Proceeds available.

The City shall have no obligation to make any payment on any Scheduled Payment Date if the Developer is in default under this Agreement and such payment will be suspended until such default has been remedied. No interest shall accrue during any such period of default.

Each Note shall be dated as of its date of issuance. Interest on each Note shall be payable on February 15<sup>th</sup> of each year that a Note is outstanding, except that the final payment shall be no later than December 31, 2036 (each hereinafter referred to as a "Scheduled Payment Date"). The Note(s) shall bear interest as follows: (a) any Note(s) issued in exchange for the Placeholder Note, shall bear interest from the date and at the rate indicated in the Placeholder Note, and (b) any other Note, if any, shall bear interest from its dated date at the Fixed Interest Rate.

Net TIF Proceeds shall be applied first to the payment of interest on the Note and then to the mandatory redemption of the Note as provided above. If more than one (1) Note is issued, such payments shall be made on a pro rata basis.

A Note may be (i) assigned or pledged as collateral by the Developer to any senior lender or project financing source, or (ii) upon the City's approval, not to be unreasonably withheld, sold or assigned to a Qualified Investor. Qualified Investor shall mean an Accredited Investor as defined under rule 501(D) of the Securities Act of 1933.

Additionally, and without restriction, the Developer may transfer the Note to (i) any entity controlling, controlled by or under common control with Developer or (ii) any entity in which the majority equity interest is owned by the parties that have a majority equity interest in the Developer.

In all such cases, the City shall be provided with an opinion of counsel or a certificate of the transferor, in a form satisfactory to the City, that such transfer is exempt from registration and prospectus delivery requirements of federal and applicable state securities laws.

Transfer of the ownership of a Note to a person other than one permitted by this subsection shall relieve the City of all of its obligations under the Note.

Provided that the Developer is not in default hereunder, the City's obligation to repay each Note shall continue until each Note, including accrued interest, is paid in full, or until the expiration of the term of this Agreement, whichever is earlier. If the Agreement is terminated pursuant to the terms hereof, the City's obligation to repay the Note(s) shall also terminate.

(d) *Utilization of Tax Increment.* The City shall deposit all Tax Increment, as it is received, into the Fund, and shall disburse the same as follows:

- (i) First, the City shall pay, or allocate amounts sufficient to satisfy any payments to school districts (currently limited to a maximum of twenty-five percent (25%) of the Tax Increment) and library districts required pursuant to Section 3(q)(7.5) and (7.7) of the Act.

- (ii) Next, the City pay, or allocate amounts sufficient to pay amounts sufficient to satisfy:
  - (a) all reasonable or necessary costs incurred by the City (including costs of studies, surveys, the development of plans and specifications, and professional service costs for engineering, legal, financial planning and other similar services) in establishing the Area and in preparing, implementing and administering the Redevelopment Plan and this Agreement, to the extent not otherwise reimbursed; (b) all reasonable or necessary costs incurred by the City in complying with all state and county requirements concerning initial and annual filings and submissions for, and qualifications of, the Area; and (c) all reasonable or necessary costs incurred by the City in maintaining and auditing the Fund as part of the City's annual audit; provided, however, that such amounts paid or allocated shall not exceed \$15,000 in each fiscal year.
- (iii) Next, the City shall pay, or allocate amounts sufficient to pay, interest on the Note(s) and the mandatory redemption payments on the Note(s).
- (iv) Next, the City shall, at its option, pay or allocate amounts sufficient to pay any other costs permitted under the Act, including, but not limited to, optional redemption payments on the Note(s), to the extent permitted by applicable law.
- (v) The balance, if any, after the Notes have been fully amortized, shall be paid to the Kane County Collector for distribution to the City and the affected taxing districts for deposit in their appropriate accounts, in accordance with the surplus distribution provisions of the Act.

**Section 10. Performance.**

- (a) *Time of the Essence.* Time is of the essence of this Agreement.
- (b) *Unavoidable Delay.* Performance by either Party hereunder shall not be deemed to be in default as a result of unavoidable delays or defaults due to war, insurrection, strikes, lockouts, riots, floods, earth-quakes, fires, casualties, acts of God, acts of a public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, acts of the other Party, the act or the failure to act of any public or governmental agency or entity (except that the acts or failure to act of the City shall not excuse performance by the City) or any other like event or condition beyond the reasonable control of the Party affected thereby which in fact interferes with the ability of such Party to discharge their respective obligations hereunder (collectively, "Force Majeure Events"); provided, however, that unavoidable delays shall not include (i) economic hardship or

impracticability of performance, (ii) commercial or economic frustration of purpose, or (iii) a failure of performance by a contractor (unless caused by Force Majeure Events).

In addition, neither the City nor the Developer shall be considered in breach of, or default in its obligations under this Agreement in the event of any delay resulting from the conduct of any judicial, administrative or legislative proceeding or caused by litigation or proceedings challenging the authority or right of the City to act under the Ordinances, or perform under this Agreement. The City shall diligently contest any such proceedings and any appeals therefrom. The City may settle a contested proceeding at any point, so long as the settlement results in the City's ability to perform pursuant to this Agreement and so long as any such settlement does not impose additional obligations on Developer or reduce the Developer's rights or increase its obligations under this Agreement.

The Party seeking the benefit of the provisions of this subsection shall, within ten (10) days after the beginning of any such unavoidable delay, notify the other Party in writing of the cause or causes thereof, and request an extension for the period of the forced delay. Such notice may be given to a mortgagee in possession or seeking to obtain possession or any mortgagee, successor or assign becoming an assignee by foreclosure or deed in lieu of foreclosure.

(c) *No Waiver by Delay.* Unless otherwise provided herein, any delay by a Party in instituting or prosecuting any actions or proceedings or in otherwise exercising its rights hereunder against the other Party shall not operate as a waiver of any such Party's rights or to deprive it of or limit such rights in any way. No waiver in fact made by the City with respect to any specific default by Developer shall be considered or treated as a waiver of the rights of the City with respect to any other defaults by Developer or with respect to the particular default except to the extent specifically waived in writing. No waiver in fact made by the Developer with respect to any specific default by

the City shall be considered or treated as a waiver of the rights of the Developer with respect to any other defaults by the City or with respect to the particular default except to the extent specifically waived in writing.

(d) *Forum and Remedies.* Upon the breach of this Agreement, any of the Parties hereto may, exclusively in the Circuit Court of the Sixteenth Judicial Circuit, Kane County, Illinois, by action or proceeding at law or in equity, secure the specific performance of the covenants and agreements herein contained or recover damages for the failure of performance or any of the above.

In the event either Party shall institute legal action because of breach of any agreement or obligation contained in this Agreement, on the part of either Party to be kept or performed, the prevailing Party shall be entitled to recover all actual damages (except consequential damages), costs and expenses, including reasonable attorney's fees incurred therefore. The rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise of it, at the same time or different times, of any rights or remedies for the same default or for any other default by the other Party, as provided herein.

(e) *Default.* Subject to the Unavoidable Delays provisions set forth above hereof and to provisions for notice as provided herein, failure or delay by either Party to perform any term or provision of this Agreement shall constitute an Event of Default under this Agreement. Furthermore, each of the following acts or omissions of Developer shall also constitute an Event of Default under this Agreement:

- (i) Developer transfers (except to subsequent individual residential owners), or suffers any involuntary transfer of the Site or any part thereof, in violation of this Agreement;
- (ii) The filing, execution or occurrence of a voluntary or involuntary petition filed seeking any debtor relief, or the making of an assignment for the benefit of creditors by Developer, or Developer's execution of any instrument for the purpose of

effecting a composition of creditors or the adjudication of Developer as bankrupt or insolvent; and

(iii) Developer is in default under any reimbursement of fees agreement between the Developer, or related entity, and the City.

(f) *Notice of Default.* A Party claiming an Event of Default under this Agreement shall give written notice of the alleged Default to the Party alleged to be in Default, specifying the Default(s) complained of by the injured Party.

(g) *Cure Period.* The Party alleged to be in Default shall cure, correct or remedy such alleged Event of Default within forty five (45) days (“Cure Period”). The injured Party may not institute proceedings against the Party in default until the end of the Cure Period. If such Default is cured within such Cure Period, the Default shall be deemed cured. If the Default is one which cannot be reasonably cured within the Cure Period, and if the defaulting Party shall commence curing the same within such Cure Period, the Cure Period shall be extended for such time as is reasonably necessary for the curing of the same, so long as the defaulting Party diligently proceeds therewith; if such Default is cured within such extended period, the Default shall be deemed cured.

(h) *Notification to Mortgagees.* Whenever the City shall deliver any notice of Default to Developer with respect to any alleged Event of Default by Developer hereunder, the City shall at the same time deliver to each holder of record of any mortgage, or grantee under any other conveyance for financing, a copy of such notice or demand, provided City has been advised in writing of the name and address of any such holder. Each such holder or other entity shall have the right to cure or remedy or commence to cure or remedy any such Default after the expiration of the Cure Period subject to the same conditions as are applicable to the Developer pursuant to subsection (g) hereof.

In the event the Developer’s Default is not one curable by a mortgagee or holder of other interests under a conveyance by the Developer for purposes of financing acquisition of the Site and

construction of the Project (i.e., insolvency or bankruptcy of the Developer), such holder may request and the City may agree to enter into an assumption agreement with such holder upon such terms as the parties may then agree. Any such assumption agreement shall minimally incorporate this Agreement and all Exhibits attached hereto, together with such other reasonable terms as the parties may agree to secure the City in the prompt completion of the Project and the Required Public Improvements.

(i) *City Right to Cure Defaults.* In the event the Developer defaults in the construction or completion of construction of the improvements contemplated by the Agreement, and such default is also a default under any mortgage, deed of trust, other security instrument or lease-back or obligation to the grantee under any other conveyance for financing the acquisition or financing of the construction, and the holder, lessor or grantee, as the case may be, elects not to exercise its option to cure such default, the City may, after expiration of the notice and Cure Period set forth in subsection (g) above, cure such default, or cause the same to be cured, prior to completion of any foreclosure, termination of lease or other remedial proceeding as a result of such default. In such event, the City, or its nominee, shall be entitled to reimbursement from the Developer, or such other entity, of all reasonable costs and expenses incurred by the City in curing the default (including reasonable attorney's fees).

**Section 11. Indemnification.** The Developer and the City hereby agree to indemnify, defend and hold harmless the other Party and its officers, agents and employees from and against any losses, costs, damages (except consequential damages), liabilities, claims, suits, actions, causes of action and expenses (including without limitation, attorney's fees and court costs) suffered or incurred by such Party arising from or in connection with the failure of the indemnifying Party to perform its obligations under this Agreement. In addition, the Developer

hereby agrees to indemnify, defend and hold harmless the City and its officers, agents and employees from and against any losses, costs, damages, liabilities, claims, suits, actions, causes of action and expenses (including without limitation, attorney's fees and court costs) for the failure of Developer or any contractor to pay contractors, subcontractors or materialmen in connection with the Project.

**Section 12. Insurance and Destruction of Project.** Prior to the Developer's commencement of construction of the Project, the Developer shall provide the City with all policies of insurance which the City may reasonably require in forms and coverages, issued by companies and in amounts reasonably satisfactory to the City, including without limitation, comprehensive public liability, workmen's compensation and builder's risk insurance coverage naming the City as an additional insured on said policies.

The Developer shall furnish or cause to be furnished to the City duplicate originals, if requested, or appropriate certificates of insurance evidencing that there shall be in effect on a per project limit basis, comprehensive public liability insurance (covering bodily injury and property damage) in the amount of at least Five Million and no/100ths Dollars (\$5,000,000.00) as combined single limits, per occurrence and shall include the City, its officers, agents and employees as additional insureds in all such policies.

All such policies shall also provide for at least ten (10) days prior notice to the City of the cancellation or termination of such policies. The City shall have the right but not the obligation to pay any delinquent insurance premiums hereunder and Developer shall reimburse City for any such payments. Any liability of the City, its officers, agents and employees, for the construction of the Required Public Improvements shall be fully insured under these policies for the limits set forth above. Such insurance shall be maintained in force by Developer until construction of the Required

Public Improvements is completed and accepted by the City at which time the insurance requirements shall pass to the City.

Prior to the completion of the Project, Developer shall cause same to be insured in an amount equal to the full replacement value thereof, such that should any portion thereof be damaged or destroyed by fire or other insurable casualty, sufficient funds shall be available to permit the reconstruction thereof; provided, however, that once the City has accepted the Required Public Improvements, it shall be the City's responsibility to insure the Required Public Improvements. Should the Project be damaged or destroyed prior to completion, the Developer shall either rebuild the Project or repay to the City all moneys paid by the City under the provisions of this Agreement. In the event that the amount of insurance proceeds is in excess of all amounts due to any lender holding a mortgage on the Site, such excess shall be applied toward any amounts due to the City, if any, under the preceding sentence.

**Section 13. Developer's Books and Records.** Developer agrees that until such time as the Certificate of Completion is issued, the City shall have the right and authority to review and audit, from time to time at the Developer's offices, the Developer's books and records relating to the Project (including, but not limited to, Developer's loan statements, general contractor's sworn statements, general contracts, subcontracts purchase orders, waivers of lien, paid receipts and invoices).

**Section 14. Transfers.** Prior to the issuance of a Certificate of Completion for the Project and the acceptance of the Required Public Improvements, and other than (a) the transfer of the property or the beneficial interests in the property to an entity owned or controlled by substantially the same persons as Developer, or (b) sales and mortgaging of the sale of individual residential units, the Developer shall not make, create or suffer to be made any sale, transfer,

assignment or conveyance, except regarding financing of the Project, with respect to this Agreement or the Site or the Project, or any part thereof, including without limitation, any transfer or assignment of the beneficial interest in title holding trust or any part thereof, or contract or agree to do any of the same, without the prior written approval of the City, which approval shall not be unreasonably withheld or delayed.

Any proposed transferee within the forgoing period shall have the qualifications and financial responsibility necessary and adequate, as may be reasonably determined by the City, to fulfill the obligations undertaken in this Agreement by the Developer. Any such proposed transferee, by instrument in writing reasonably satisfactory to the City and in recordable form, for itself and its successors and assigns, and for the benefit of the City, shall expressly assume all of the obligations of the Developer under this Agreement, shall agree to be subject to all the conditions and restrictions to which the Developer is subject and upon acceptance in writing by the City of such transferee the Developer shall be released from any obligation or responsibility under this Agreement. In the absence of the specific written agreement by the City no such transfer, assignment or approval by the City shall be deemed to relieve the Developer or any other Party from any obligations as to the Site under this Agreement.

**Section 15. Miscellaneous Provisions.**

(a) *Real Estate Taxes.* Neither the Developer, nor any agent, representative, lessee, tenant, assignee or transferee of, or successor in interest to the Developer, shall, while this Agreement is in effect, directly or indirectly initiate, apply for or seek to reduce the equalized assessed value of any portion of the Site below an amount based upon the purchase price for said portion of the Site.

Neither the Developer nor any agent, representative, lessee, tenant, assignee or transferee of, or successor in interest to, the Developer shall object to or in any way seek to prevent, on procedural or any other grounds, the filing of any underassessment complaint for any year that this Agreement is in effect, provided that the complaint relates to a parcel that is being assessed below an amount based upon the purchase price of said parcel.

The foregoing covenants in this subsection shall be construed and interpreted as an express agreement by the Developer with the City that a major incentive inducing the City to enter into the arrangements and transaction described in this Agreement is to increase the assessed valuation of and the general real estate taxes payable with respect to the Area. This Agreement may be used by the City, in the City's discretion, as admissions against Developer's interest in any tax assessment or related proceeding.

The provisions of this subsection shall not be applicable to the individual owners of any residential units ultimately constructed on the Site.

(b) *Mutual Assistance.* The City and the Developer agree to execute all documents, including permit applications, and to take all appropriate or necessary measures as required by this Agreement, by the Act, by the Ordinances, the statutes of the State of Illinois or of any other governmental agencies as may be applicable thereto in order to properly effectuate the implementation, purpose, intent and spirit of this Agreement and the completion of the Project in accordance with the Control Documents.

(c) *Disclaimer.* Nothing contained in this Agreement, nor any act of the City, shall be deemed or construed by any of the Parties, or by third persons, to create any relationship of third Party beneficiary, or of principal or agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving the City or the Developer.

(d) *Covenants Running with the Land.* It is intended and agreed that all covenants provided in this Agreement on the part of the Developer to be performed or observed shall be covenants running with the land binding to the fullest extent permitted by law and equity for the benefit and in favor of, and enforceable by the City, and any successor in interest to the Site, or any part thereof; provided, however, it is not the intent of the Parties that the covenants provided herein shall be binding on the individual owners of any residential units ultimately constructed on the Site.

(e) *Paragraph Headings.* The paragraph headings and references are for the convenience of the parties and are not intended to limit, vary, define or expand the terms and provisions contained in this Agreement and shall not be used to interpret or construe the terms and provisions of this Agreement.

(f) *Counterparts.* This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same Agreement.

(g) *Recordation of Agreement.* The Parties agree to execute and deliver the original of this Agreement in proper form for recording in the office of the Recorder of Deeds, Kane County, Illinois.

(h) *Notices.* Notices herein required shall be in writing and shall be served upon the Parties, either personally or mailed by certified or registered mail, return receipt requested:

If to the City:

City Administrator  
City of St. Charles  
2 East Main Street  
St. Charles, Illinois 60174

with a copy to:

Gorski & Good, LLP  
211 South Wheaton Avenue, Suite 305  
Wheaton, Illinois 60187  
Attn: Ms. Robin Jones

If to Developer:

St. Charles – 333 North Sixth Street, LLC  
c/o Lexington Homes, LLC  
1731 N. Marcey Street  
Suite 200  
Chicago, Illinois 60614  
Attn: Mr. Ronald J. Benach

with a copy to:

Rathje & Woodward, LLC  
300 E. Roosevelt Road, Suite 300  
Wheaton, IL 60187  
Attn: Mr. Henry Stillwell or Mr. Tracy Kasson

If to any Mortgagee:

To the person and address designated  
to the City in writing by the Mortgagee.

A Party's address may be changed from time to time by such Party giving notice as provided above to the other Parties noted above.

(i) *Integration.* This Agreement together with all Exhibits and attachments thereto, constitute the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or the Developer.

(j) *Amendment.* This Agreement, and any Exhibit attached hereto, may be amended only by written instrument properly executed by the Parties or their successors in interest. Execution of any such amendment by the City shall first have been authorized by the Ordinance or Resolution duly adopted by the corporate authorities of the City.

(k) *Certificate of Continued Effectiveness.* Within ten (10) business days after the written request by Developer, the City shall execute and deliver to any existing or proposed mortgagee, or lessor or grantee a certificate stating that this Agreement is in full force and effect, that neither the City nor Developer are in default under this Agreement and containing such other information as may be reasonably requested by such mortgagee, lessor or grantor.

(l) *Successors and Assignees.* The terms and conditions of this Agreement are to apply to and bind and inure to the benefit of the City, the Developer and their successors and assignees.

(m) *Severability.* If any provision of this Agreement, or any paragraph, sentence, clause, phrase or word, or the application thereof, in any circumstances, is held invalid, the remainder of the Agreement shall be construed as if such invalid part were never included herein and the Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.

(n) *Term.* This Agreement shall be in full force and effect from and after the execution hereof by the last Party to execute the same and shall remain in full force and effect, unless earlier terminated pursuant to any of the terms or provisions of this Agreement, until December 31, 2036. Upon the expiration of the term of the Agreement, the City will provide the Developer, at the Developer's written request, with a written notice in recordable form stating that the term of the Agreement has expired.

(o) *Governing Law.* The laws of the State of Illinois shall govern the interpretation and enforcement of this Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on  
or as of the day and year first above written.

CITY OF ST. CHARLES, an Illinois  
municipal corporation,

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ST. CHARLES – 333 NORTH SIXTH  
STREET, LLC, an Illinois limited liability  
company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF KANE            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Donald P. DeWitte, Mayor of the City of St. Charles, and Nancy Garrison, City Clerk of said City, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Mayor and City Clerk, respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth; and the City Clerk then and there acknowledged that she, as custodian of the corporate seal of said City, did affix the corporate seal of said City to said instrument, as her own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF KANE            )

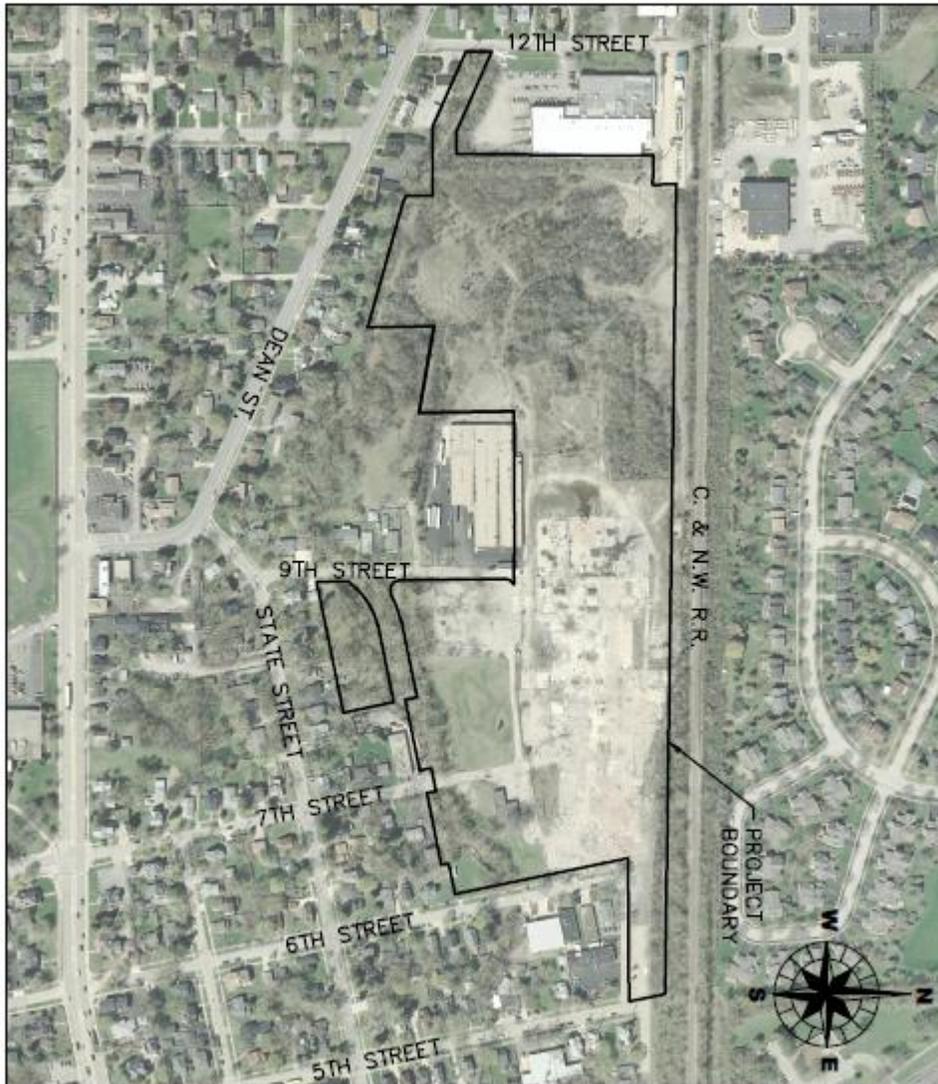
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, \_\_\_\_\_ of St. Charles – 333 North Sixth Street, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such \_\_\_\_\_ appeared before me this day in person and acknowledged that \_\_\_ signed and delivered the said instrument as \_\_\_ own free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_ day of \_\_\_\_\_,

2012.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**  
**OUTLINE OF SITE**



 <b>WILLS BUIER KELSEY ASSOCIATES LTD.</b> 110 West Main Street, Suite 201 St. Charles, Illinois 60174 (630) 443-7755	DRAWN: JCL CHECKED: JCL SCALE: 1" = 30' FILE NAME: 180208A10.DWG	TITLE: <b>LEXINGTON CLUB</b> <b>AERIAL PHOTO WITH PROJECT BOUNDARY</b>	PROJECT NO: 08-0410 DATE: 10/28/10 SHEET: 1 OF 1 <b>EX1</b>
	DESIGNED: RSM DATE: JCL		

## **EXHIBIT B**

### **LEGAL DESCRIPTION OF SITE**

#### PARCEL ONE:

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET); ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

#### PARCEL TWO:

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

#### PARCEL THREE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTH EAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET 1043 FEET; THENCE NORTH 2 DEGREES, 44 MINUTES, 0 SECONDS EAST 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 149.92 FEET; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES, 45 MINUTES, 0 SECONDS WEST 135.80 FEET; THENCE NORTH 7.90 FEET; THENCE SOUTH 89 DEGREES, 20 MINUTES, 0 SECONDS WEST 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST 106 FEET; THENCE SOUTH 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 19.73 FEET; THENCE SOUTH 74 DEGREES, 16 MINUTES, 30 SECONDS EAST 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

#### PARCEL FOUR:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH EAST 1/4; THENCE EAST 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET, FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST 69 FEET; THENCE NORTH 0 DEGREES, 27 MINUTES, 10 SECONDS EAST 60 FEET; THENCE WEST 56.84

FET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES, 13 MINUTES, 0 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL FIVE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES, 37 MINUTES, 0 SECONDS WEST ALONG THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES, 46 MINUTES, 0 SECONDS EAST 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES, 48 MINUTES, 0 SECONDS WEST ALONG SAID WESTERLY LINE 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES, 30 MINUTES, 0 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES, 37 MINUTES, 0 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SIX:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND 174 FEET; THENCE NORTH 60 DEGREES, 19 MINUTES, 0 SECONDS WEST, 168.19 FEET; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES, 31 MINUTES, 0 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 285 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST 255.77 FEET TO A POINT SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS;

THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION 285.0 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132.0 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 04 MINUTES, 0 SECONDS WEST ALONG THE LAST DESCRIBED COURSE 255.77 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 100.00 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES, 06 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES, 06 MINUTES, 0 SECONDS EAST 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SEVEN:

EASEMENT FOR PRIVATE ROADWAY RESERVED BY DEED RECORDED JULY 16, 1957, IN BOOK 1855, PAGE 119, AS DOCUMENT 839306, MADE BY HAWLEY PRODUCT COMPANY TO CARL E. SODERQUIST AND SONS FOR THE BENEFIT OF THE NORTH 30 FEET OF LOT 11 IN BLOCK 5 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES IN PARCEL TWO, OVER THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 535 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE EAST 30 FEET; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 134.45 FEET; THENCE NORTH 1 DEGREE WEST PARALLEL WITH THE WEST LINE OF SAID ADDITION 30 FEET; THENCE SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST 134.45 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL EIGHT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE

NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 1 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 1 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

## **EXHIBIT C**

### **DESCRIPTION OF PROJECT**

The Lexington Club is a proposed 130 unit residential development consisting of a mix of 28 detached single family dwellings and 102 two story townhomes, all to be constructed on the industrial site formerly known as the Applied Composites property.

In addition, there will be a privately-owned park on approximately 22,000 square feet of land, at the northeast corner of the proposed development.

The property is currently a blighted and environmentally contaminated industrial site within walking distance to the downtown. In conjunction with the development, all existing structures have been or will be demolished and the environmental contamination will be mitigated in compliance with all applicable laws and regulations. The Applicant also is proposing to preserve the State Street Creek as well as to bring the property into full conformity with all applicable storm water management and detention requirements.

**EXHIBIT D**

**REDEVELOPMENT COSTS**

Lexington Homes

St. Charles Project

Detail of Extraordinary Site Costs

DATE : 4/16/12

<b>Demolition</b>		
TREE CLEARING -		\$ 24,000
HOMER TREE BID 24,000	\$ 24,000	
TOTAL =	\$ 24,000	
<hr/>		
DEMO TO DATE		\$ 166,597
ASBESTOS REMEDIATION (TECNICA ENVIRONMENTAL)	\$ 89,582	
WELL CAPPING, DOCUMENTATION (LAYNE CHRISTENSEN)	\$ 18,883	
BUILDING DEMOLITION - DOWN TO SLABS (VANCO)	\$ 58,132	
TOTAL =	\$ 166,597	
<hr/>		
DEMO TO COMPLETE		\$ 1,016,956
Overhead Wire Demolition	\$ 651,956	
Fence Removal	\$ 1,500	
Storm Sewer Removal	\$ 1,500	
Storm Sewer Structure Removal	\$ 1,500	
Misc. Building Demolition - guard house, misc.	\$ 8,000	
Remove Railroad Tracks	\$ 2,500	
Remove Guardrail	\$ 2,500	
Pavement Removal	\$ 12,500	
Removal of PCC slabs, foundations, crush on site.	\$ 320,000	
Private Electrical Demo	\$ 15,000	
TOTAL =	\$ 1,016,956	
<hr/>		
Sub-Total Demolition and Clearing		\$ 1,207,553
<hr/>		
CONTINGENCY 10%	\$ 120,755	
<hr/>		
TOTAL DEMO AND CLEARING		\$ 1,328,308

<b>Leveling of Site Due to Difficult Topography</b>		
<b>MASS EARTHWORK</b>		\$ 464,842
Topsoil Strip to Stockpile	\$ 42,775	
Cut to Fill	\$ 267,435	
Topsoil Respread Ponds, Parks	\$ 35,040	
Subgrade Streets, Backfill Curbs	\$ 19,592	
Undercut - weak soils, uncompacted fills	\$ 100,000	
TOTAL =	<u>\$ 464,842</u>	
<b>EXPORT OF MATERIAL</b>		\$ 3,120,000
CUT TO EXPORT AT MASS/SEWER SPOIL CCDD (\$18/CY)	\$ 540,000	
CUT TO EXPORT AT MASS NON CCDD (\$60/CY)	\$ 1,800,000	
CUT TO EXPORT AT FOUNDATION DIG CCDD (\$18/CY)	\$ 180,000	
CUT TO EXPORT AT FOUNDATION DIG NON CCDD (\$60/CY)	\$ 600,000	
TOTAL =	<u>\$ 3,120,000</u>	
<b>Sub-Total Leveling of Site</b>		\$ 3,584,842
<b>TOTAL LEVELING OF SITE</b>		\$ 3,584,842

<b>Environmental Remediation</b>		\$ 1,550,000
Reports, Studies, Documentation to date	\$ 10,000	
Reports, Studies, Documentation Environmental Anticipated	\$ 190,000	
Hauling Special Waste (15,000 CY @ \$90)	\$ 1,350,000	
TOTAL =	<u>\$ 1,550,000</u>	
<b>Sub-Total Environmental Remediation</b>		\$ 1,550,000
<b>TOTAL ENVIRONMENTAL REMEDIATION</b>		\$ 1,550,000

**Total Demolition, Leveling, and Environmental** \$ 6,463,150

**EXHIBIT E**

**PROGRESS REPORT**

Project: Lexington Club

Reporting Period: Month of \_\_\_\_\_, 20\_\_

<u>DESCRIPTION OF EXPENDITURE</u>	<u>AMOUNT BUDGETED</u>	<u>AMOUNT EXPENDED THIS REPORTING PERIOD</u>	<u>CUMULATIVE AMOUNT EXPENDED</u>
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ANTICIPATED CONSTRUCTION SCHEDULE FOR REMAINDER OF PROJECT:

STATUS OF ENVIRONMENTAL REMEDIATION ACTIVITIES UNDERTAKEN:

Date: \_\_\_\_\_, 20\_\_.

## **EXHIBIT F**

### **BUDGET**

Lexington Homes  
St. Charles Project  
Project Budget  
EXHIBIT F

#### **Land Acquisition and Assembly**

Site Acquisition	\$	3,285,000
Actual Land Carry Costs	\$	1,682,914
<b>Subtotal - Land Acquisition and Assembly</b>	<b>\$</b>	<b>4,967,914</b>

#### **Site Preparation**

Site Preparation	\$	9,055,607
Public Street Improvements	\$	230,000
<b>Subtotal - Site Preparation</b>	<b>\$</b>	<b>9,285,607</b>

#### **Hard Costs of Vertical Construction**

Direct Costs of Construction - Base Homes	\$	20,093,736
Direct Costs of Construction - Upgrades	\$	1,393,675
Model Area Dev. Costs	\$	490,770
<b>Sub-Total Vertical Construction Costs</b>	<b>\$</b>	<b>21,978,181</b>

#### **Soft Costs**

Indirect Construction	\$	1,824,480
Sales & Marketing	\$	2,280,600
G&A	\$	912,240
General Contracting Fee	\$	737,512
Corporate Overhead	\$	1,576,313
Closing Costs	\$	227,901
Loan Fees	\$	175,469
<b>Sub-Total - Soft Costs</b>	<b>\$</b>	<b>7,734,515</b>
<b>Total Project Costs</b>	<b>\$</b>	<b>43,966,218</b>

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**EXHIBIT G**

**ZONING APPROVAL ORDINANCE**

**City of St. Charles, Illinois**  
**Ordinance No. 2012-Z-\_\_\_\_\_**

**An Ordinance Granting Approval of Map Amendment, Special Use for a  
Planned Unit Development, and Approval of a PUD Preliminary Plan  
(Lexington Club PUD)**

WHEREAS, on or about December 8, 2009, the Lexington Homes LLC (“Applicant”) and St. Charles-333 North Sixth Street, LLC (“Record Owner”) filed applications for (i) Map Amendment to rezone the property legally described on Exhibit “A” attached hereto and made a part hereof (“Single Family Parcel”) from the M-1 Special Manufacturing District to the RT-3 Traditional Single Family Residential District and to rezone the property legally described on Exhibit “B” attached hereto and made a part hereof (“Townhome Parcel”) from the M-1 Special Manufacturing District to the RM-2 Medium Density Multi-Family Residential District; (ii) Special Use for a Planned Unit Development so as to permit a residential development project on the property legally described on Exhibit “C” attached hereto and made a part hereof (“Subject Realty”), with deviations from the regulations of the St. Charles Zoning Ordinance; and (iii) PUD Preliminary Plan for the Subject Realty; and

WHEREAS, Notice of Public Hearing on said petitions for Map Amendment and Special Use for Planned Unit Development were published on or about July 30, 2011, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted public hearings on or about August 16, 2011, September 20, 2011 and October 4, 2011 (collectively, the “Public Hearing”), on said application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties were afforded an opportunity to be heard; and,

WHEREAS, on October 18, 2011, the Plan Commission made all required Findings of Fact and forwarded them to the City Council together with its recommendation that the relief requested in said petitions be approved subject to the conditions stated therein; and,

WHEREAS, the Planning & Development Committee of the City Council recommended approval of said applications subject to conditions on or about May 14, 2012; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

Section 1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

Section 2. That the Official Zoning Map of the City, which is on file in the Office of the City Clerk, is hereby amended by rezoning the property legally described in Exhibit "A" from the "M-1 Special Manufacturing District" to "RT-3 Traditional Single Family Residential District" and rezoning the property legally described in Exhibit "B" from the "M-1 Special Manufacturing District" to the "RM-2 Medium Density Multi-Family Residential District". Said rezoning is based upon Petitioner's application and the evidence presented at the Public Hearing. The City Council hereby finds that the Zoning Map Amendments are in the public interest and adopts the Findings of Fact set forth on Exhibit "D-1" which is attached hereto and incorporated herein.

Section 3. That a Special Use for a Planned Unit Development is hereby granted for the Subject Realty, pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended. Based upon the Petitioner's application and the evidence presented at the Public Hearing, the City Council hereby finds that the Planned Unit Development is in the public interest and adopts the Findings of Fact set forth on Exhibit "D-2", which is attached hereto and incorporated herein.

Section 4. That passage and approval of this Ordinance shall constitute approval of the PUD Preliminary Plan, consisting of the following documents:

- Preliminary Site Plan prepared by BSB Design dated 4/18/12
- Preliminary Subdivision Plans prepared by TFW Surveying & Mapping Inc. dated 12/17/10 and last revised 9/6/12
- Preliminary Engineering Plans prepared by Wills Burke Kelsey Associates Ltd. dated 12/17/10 and last revised 10/9/12
- Preliminary Landscape Plans prepared by Pugsley & Lahaie Ltd. dated 11/25/09 and last revised 4/18/12
- Preliminary Architectural Elevations prepared by BSB Design dated 7/21/11, including three sheets of Character Elevations for the detached single-family buildings and two sheets of Character Elevations for the attached single family buildings.

reduced copies of which are attached hereto and incorporated herein as Exhibit "E" (PUD Preliminary Plan), subject to the terms, conditions and restrictions set forth herein and subject to compliance with such conditions, corrections, and modifications as may be required by the Director of Community Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code.

Section 5. The Subject Realty shall be developed only in accordance with all ordinances of the City as now in effect and as hereafter amended (except as specifically varied herein), and subject to the terms, conditions and restrictions set forth herein, as follows:

- a. Dwelling Units: A maximum of one-hundred thirty (130) dwelling units may be constructed on the Subject Realty, comprised of one-hundred two (102) attached single family dwellings on the Townhome parcel and twenty-eight (28) detached single-family dwellings on the Single Family Parcel.
- b. Single Family Parcel: The development shall comply with the standards of the RT-3 zoning district, except that the following deviations are hereby approved:
  1. The maximum building coverage for one-and-one-half and two-story structures is hereby increased to 45%.
  2. The minimum interior side yard requirement is hereby reduced to 5 feet.
  3. The minimum rear yard requirement is hereby reduced to 25 ft.
- c. Townhome Parcel: The development shall comply with the standards of the RM-2 zoning district, except that the following deviations are hereby approved:
  1. The minimum lot area per dwelling unit requirement is hereby reduced to 3,912 square feet.
  2. The minimum front yard requirement is hereby reduced to 15 ft. for corner or building end units, where the garage door for the unit faces the exterior side yard.
  3. The minimum interior side yard requirement is hereby reduced to 9 ft.
  4. The minimum exterior side yard requirement is hereby reduced to 15 ft.; however, no garage door shall be less than 20 ft. from the street right-of-way.
- d. Design Review Standards and Guidelines: The development shall comply with the Design Review Standards and Guidelines of Chapter 17.06 of the Zoning Ordinance, and with the following conditions:
  1. Uniform building materials as required by Section 17.06.050(F)(3) of the Zoning Ordinance shall not be required for the townhome buildings, provided that the elevations otherwise conform to the PUD Preliminary Plans.
  2. In addition to the building materials requirements and restrictions listed in Section 17.06.050(F)(1) and 17.06.050(F)(2) of the Zoning Ordinance, all exterior siding materials on buildings constructed on the Subject Realty shall be cedar or equivalent wood or fiber cement siding and trim. Vinyl, aluminum or equivalent material shall not be used for siding or trim.
  3. All garage doors shall be "Designer Series" as shown on the PUD Preliminary Plans or an equivalent with comparable details and glass window panels.
  4. Detached Single-Family building elevations facing exterior side yards or pedestrian access ways (Lots 3, 4, 16, 17, 28 as shown in the PUD Preliminary Plan) shall include architectural detailing equivalent or better than the Character Side elevations shown in the PUD Preliminary Plans.
  5. The PUD Preliminary Plans have identified eight (8) character elevations for the detached single-family buildings and two (2) character elevations for the townhome buildings. The character elevation styles shall be interspersed such that a detached single-family building is not adjacent to more than one of the same

character elevation and the townhome buildings are approximately 50% of each character elevation.

6. Variations to the Character Elevations shown in the PUD Preliminary Plans may be reviewed and approved by the Director of Community Development as an Authorized Administrative Change in accordance with the provisions of Section 17.04.430.C of the Zoning Ordinance. Rearrangement/substitution of townhome unit types within the buildings shall be reviewed as an Administrative Change.
- e. Landscaping
1. Perimeter site landscaping and all landscaping shown on common lots shall be reviewed as a part of the Final PUD Plan. All perimeter site landscaping, including any landscape bufferyards, shall be completed for each phase prior to the occupancy of any building, or portion thereof, in the phase.
  2. Lot landscaping for the townhomes shall be reviewed as part of the building permit submittals.
  3. Final Landscape Plans which provide comparable quality, quantity, and character but do not strictly comply with the Preliminary Plan may be reviewed and approved by the Director of Community Development as an Authorized Administrative Change in accordance with the provisions of Section 17.04.430.C of the Zoning Ordinance.
- f. Owner's Association:
- The Applicant will create one or more Owners Associations and create a Master Declaration of Covenants, Conditions & Restrictions that clearly identifies all responsibilities of the Owners Associations with respect to the use, maintenance and continued protection of common open space and improvements in the development, including, but not limited to, stormwater management facilities. The Declaration shall also regulate modifications to building architecture following the initial construction of the development. Such Declaration shall be in a form reasonably acceptable to the City and shall be recorded immediately following the recording of the Final Plat of Resubdivision for the Subject Realty.
- g. School and Park Contributions:
- The Applicant has agreed to convey, and the St. Charles Park District has agreed to accept, the .09-acre parcel fronting on 9th Street shown as Lot 59 on the PUD Preliminary Plan. The remainder of the Park and School contribution shall be provided as cash in lieu of land contribution in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time. If the bedroom count used to calculate the initial cash contribution changes, the amount of the contribution shall be adjusted at the time of building permit.
- h. Inclusionary Housing:

The Applicant has requested a deviation to the requirements of Chapter 17.18 of the Zoning Ordinance, Inclusionary Housing, to enable the development to begin construction without designating any affordable units or providing a fee-in-lieu contribution. The deviation request is hereby granted conditioned upon the Applicant executing and complying with the attached Affordable Housing Agreement, attached at Exhibit “F” for the duration of the project build out. In the event the Applicant fails to comply with the Affordable Housing Requirement at any time during the project build out, the requirements of Chapter 17.18 shall apply to the remaining housing units to be constructed.

- i. Subdivision Improvements: The following shall be constructed as a part of the initial Land Improvements for the development:
  1. Installation of a 10 inch water main as shown on the PUD Preliminary Plans (generally along Mark Street from 6<sup>th</sup> Street to 9<sup>th</sup> Street, along 9<sup>th</sup> Street south to State Street, continuing to the existing 10” water main near Dean Street, to complete a 10” water main loop through the development site). Following acceptance of the water main by the City, the City shall reimburse the Applicant for the actual cost to install the portion of the water main located offsite, including the cost to resurface existing streets which are not required to be reconstructed as a part of the development. Improvements to be reimbursed and the total maximum reimbursement shall be as specified in Exhibit G.
  2. Full improvement of 9<sup>th</sup> Street from State Street north into the development site, improved to the same standards as the streets within the development, including curb and gutter, storm sewer, sidewalks, street trees, and street lighting.
  3. Installation of a 5 ft. wide sidewalk on the north side of State Street, between 9<sup>th</sup> and 7<sup>th</sup> Streets, connecting to existing sidewalks at both intersections.
  4. Installation of missing sidewalk segments on 7<sup>th</sup> Street north of State Street.
- j. Off-site traffic contribution: Prior to the 65<sup>th</sup> occupancy permit, the applicant shall deposit with the City a cash contribution of \$200,000 to be used for off-site street or intersection improvements, at the sole discretion of the City Council.
- k. Ryan Street Right-of-Way: As a part of the Final Plat of Subdivision for the project, the City shall vacate the existing Ryan Street right-of-way located east of 9<sup>th</sup> Street and convey title of the property to the applicant. The City shall retain easements over any public utilities existing in the right-of-way.
- l. Future Ryan Street extension: As a part of the Final Plat of Subdivision for the project, applicant shall dedicate right-of-way for a future Ryan Street extension at the western end of the site (shown on the PUD Preliminary Plans as Lot 54). This property shall be maintained by the Owner’s Association for the development until such time the street is constructed and accepted by the City.

- m. Access Easements: As a part of the Final Plat of Subdivision for the project, the applicant shall provide public access easements for pedestrian paths shown on the PUD Preliminary Plans (paths connecting Ryan Street to 12<sup>th</sup> Street, Ryan Street to the St. Charles Park District site, and the two paths connecting Mark Street to the railroad right-of-way).
- n. Construction Route: Construction related traffic shall access the site by following a route from Main Street, to 9th Street, to State Street to 9<sup>th</sup> Street into the site. No construction traffic shall utilize Mark Street east of 5<sup>th</sup> Street; 5<sup>th</sup>, 6<sup>th</sup> or 7<sup>th</sup> Street south of the Subject Realty; or State Street east of 9<sup>th</sup> Street.
- o. Site Cleanup: Complete demolition and clearing of debris and structures and environmental remediation of the property shall occur in accordance with a schedule to be mutually agreed upon by the parties, as set forth in a separate development agreement with the City.
- p. The Applicant shall execute a Developer's Undertaking/Land Improvement Agreement in the City's standard form, and tender the security required therein prior to the recording of the Final Plat of Subdivision.
- q. Stormwater Special Service Area: Following recording of the Final Plat of Subdivision, the City shall initiate the formation of a Special Service Area for the purpose of maintaining and repairing stormwater management facilities and other facilities serving the Subject Realty. The Record Owner shall not sell or transfer ownership of any portion of the Subject Realty until such Special Service Area has been established. Such Special Service Area shall be of perpetual duration with a maximum rate sufficient to provide for maintenance, repair, and reconstruction of such facilities. Such Special Service Area may provide for maintenance by the City in the event that stormwater management facilities or other facilities are not adequately maintained by the Owner or successors.

Section 6. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 7. That this Ordinance shall become effective from and after its passage by a majority of all aldermen now holding office and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Donald P. DeWitte, Mayor

Attest:

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City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

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City Attorney

DATE: \_\_\_\_\_, 2012

EXHIBIT "A"  
LEGAL DESCRIPTION OF SINGLE FAMILY PARCEL

**PARCEL TO BE ZONED RT-3:**

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST, BEING AN ASSUMED BEARING AND THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION, ALONG SAID LAST DESCRIBED SOUTH LINE, 362.12 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 6TH STREET, AS DELINEATED ON THE PLAT OF T.E. RYAN'S ADDITION TO THE CITY OF ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 1889 AS DOCUMENT NUMBER 24117, ALSO BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTH 11 DEGREES 43 MINUTES 06 SECONDS EAST ALONG SAID LAST DESCRIBED WEST RIGHT OF WAY LINE, 186.93 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 610.92 FEET; THENCE SOUTH 86 DEGREES 11 MINUTES 29 SECONDS WEST, 58.19 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 14 SECONDS WEST, 108.55 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE CENTER LINE OF 9TH STREET, AS DELINEATED ON THE PLAT OF MILLINGTON THIRD ADDITION TO ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1926 AS DOCUMENT NUMBER 272865; THENCE NORTH 00 DEGREES 55 MINUTES 11 SECONDS WEST ALONG SAID LAST DESCRIBED NORTHERLY EXTENSION, 120.17 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A NON TANGENT CURVED LINE, CONCAVE NORTH, HAVING A RADIUS OF 101.50 FEET, AN ARC LENGTH OF 43.61 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 74 DEGREES 51 MINUTES 47 SECONDS WEST, 43.28 FEET) TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG A CURVED LINE, CONCAVE SOUTH, HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 60.42 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 75 DEGREES 52 MINUTES 06 SECONDS WEST, 59.88 FEET); THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 58.51 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, 140.96 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (A.K.A. UNION PACIFIC RAILROAD); THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 932.55 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST, 97.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886 AFORESAID; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTH LINE, 33.30 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "B"  
LEGAL DESCRIPTION OF TOWNHOME PARCEL

**PARCEL TO BE ZONED RM-2:**

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET), ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTHEAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET, 1043 FEET; THENCE NORTH 2 DEGREES 44 MINUTES 00 SECONDS EAST, 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES 34 MINUTES 00 SECONDS EAST, 149.92 FEET; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST, 135.80 FEET; THENCE NORTH, 7.90 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 00 SECONDS WEST, 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST, 106 FEET; THENCE SOUTH, 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES 34 MINUTES 00 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES 34 MINUTES 00 SECONDS EAST, 19.73 FEET; THENCE SOUTH 74 DEGREES 16 MINUTES 30 SECONDS EAST, 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE EAST, 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 13 MINUTES 00 SECONDS EAST, PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST, 69 FEET; THENCE NORTH 00 DEGREES 27 MINUTES 10 SECONDS EAST, 60 FEET; THENCE WEST, 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES 13 MINUTES 00 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE, 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES 37 MINUTES 00 SECONDS WEST ALONG THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES 46 MINUTES 00 SECONDS EAST, 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES 48 MINUTES 00 SECONDS WEST

ALONG SAID WESTERLY LINE, 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES 37 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES 07 MINUTES 00 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET, 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND, 174 FEET; THENCE NORTH 60 DEGREES 19 MINUTES 00 SECONDS WEST, 168.19 FEET; THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS WEST, 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS WEST, 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES 31 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 01 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION, 285 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 132 FEET; THENCE SOUTH 01 DEGREE 04 MINUTES 00 SECONDS EAST, 255.77 FEET TO A POINT SOUTH 80 DEGREES 02 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES 02 MINUTES 00 SECONDS WEST, 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS,

EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS; THENCE SOUTH 1 DEGREE 04 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION, 285.0 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 132.0 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 00 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 01 DEGREE 04 MINUTES 00 SECONDS WEST ALONG THE LAST DESCRIBED COURSE, 255.77 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 100.00 FEET; THENCE SOUTH 01 DEGREE 04 MINUTES 00 SECONDS EAST PARALLEL WITH SAID WEST LINE, 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES 06 MINUTES 00 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES 06 MINUTES 00 SECONDS EAST, 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE

NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 01 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 01 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- EXCEPTING THEREFROM ALL OF THE ABOVE --

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST, BEING AN ASSUMED BEARING AND THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION, ALONG SAID LAST DESCRIBED SOUTH LINE, 362.12 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 6TH STREET, AS DELINEATED ON THE PLAT OF T.E. RYAN'S ADDITION TO THE CITY OF ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 1889 AS DOCUMENT NUMBER 24117, ALSO BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTH 11 DEGREES 43 MINUTES 06 SECONDS EAST ALONG SAID LAST DESCRIBED WEST RIGHT OF WAY LINE, 186.93 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 610.92 FEET; THENCE SOUTH 86 DEGREES 11 MINUTES 29 SECONDS WEST, 58.19 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 14 SECONDS WEST, 108.55 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE CENTER LINE OF 9TH STREET, AS DELINEATED ON THE PLAT OF MILLINGTON THIRD ADDITION TO ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1926 AS DOCUMENT NUMBER 272865; THENCE NORTH 00 DEGREES 55 MINUTES 11 SECONDS WEST ALONG SAID LAST DESCRIBED NORTHERLY EXTENSION, 120.17 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A NON TANGENT CURVED LINE, CONCAVE NORTH, HAVING A RADIUS OF 101.50 FEET, AN ARC LENGTH OF 43.61 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 74 DEGREES 51 MINUTES 47 SECONDS WEST, 43.28 FEET) TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG A CURVED LINE, CONCAVE SOUTH, HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 60.42 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 75 DEGREES 52 MINUTES 06 SECONDS WEST, 59.88 FEET); THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 58.51 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, 140.96 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (A.K.A. UNION PACIFIC RAILROAD); THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 932.55 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST, 97.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886 AFORESAID; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTH LINE, 33.30 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "C"

LEGAL DESCRIPTION OF SUBJECT REALTY

**SUBJECT PROPERTY:**

PARCEL ONE:

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET); ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL TWO:

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT

PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL THREE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTH EAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET 1043 FEET; THENCE NORTH 2 DEGREES, 44 MINUTES, 0 SECONDS EAST 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 149.92 FEET; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES, 45 MINUTES, 0 SECONDS WEST 135.80 FEET; THENCE NORTH 7.90 FEET; THENCE SOUTH 89 DEGREES, 20 MINUTES, 0 SECONDS WEST 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST 106 FEET; THENCE SOUTH 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 19.73 FEET; THENCE SOUTH 74 DEGREES, 16 MINUTES, 30 SECONDS EAST 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL FOUR:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH EAST 1/4; THENCE EAST 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET, FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST 69 FEET; THENCE NORTH 0 DEGREES, 27 MINUTES, 10 SECONDS EAST 60 FEET; THENCE WEST 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES, 13 MINUTES, 0 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL FIVE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES, 37 MINUTES, 0 SECONDS WEST ALONG THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78

DEGREES, 46 MINUTES, 0 SECONDS EAST 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES, 48 MINUTES, 0 SECONDS WEST ALONG SAID WESTERLY LINE 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES, 30 MINUTES, 0 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES, 37 MINUTES, 0 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SIX:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND 174 FEET; THENCE NORTH 60 DEGREES, 19 MINUTES, 0 SECONDS WEST, 168.19 FEET; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES, 31 MINUTES, 0 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 285 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST 255.77 FEET TO A POINT SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION 285.0 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132.0 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 04 MINUTES, 0 SECONDS WEST ALONG THE LAST DESCRIBED COURSE 255.77 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 100.00 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES, 06 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES, 06 MINUTES, 0 SECONDS EAST 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SEVEN:

EASEMENT FOR PRIVATE ROADWAY RESERVED BY DEED RECORDED JULY 16, 1957, IN BOOK 1855, PAGE 119, AS DOCUMENT 839306, MADE BY HAWLEY PRODUCT COMPANY TO CARL E. SODERQUIST AND SONS FOR THE BENEFIT OF THE NORTH 30 FEET OF LOT 11 IN BLOCK 5 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES IN PARCEL TWO, OVER THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 535 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE EAST 30 FEET; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 134.45 FEET; THENCE NORTH 1 DEGREE WEST PARALLEL WITH THE WEST LINE OF SAID ADDITION

30 FEET; THENCE SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST 134.45 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL EIGHT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 1 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 1 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "D-1"

FINDINGS OF FACT FOR MAP AMENDMENT

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

1. The existing uses and zoning of nearby property.

**The property is surrounded by both residential and manufacturing uses and zoning. Areas to the north and south of the site are primarily residential. Areas to the east and west contain a mix of residential and industrial land uses.**

2. The extent to which property values are diminished by the existing zoning restrictions.

**It is not known if the existing zoning restriction is diminishing property values in the area. Industrial uses are generally considered to be incompatible with single-family residential uses, which may cause property values surrounding the site to be diminished.**

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

**The current zoning restriction has not produced any perceptible public benefits during the last 5 years that the property has remained vacant. The property is in a deteriorated state and is environmentally contaminated. Under the existing zoning, the property could be developed with industrial uses that may be incompatible with the surrounding neighborhood, which is primarily residential.**

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

**The property is not well suited for industrial use. The property was originally used for industrial purposes because of its proximity to the railroad. The railroad line is no longer active and is in the process of abandonment. Access to the site requires use of minor streets and crossing through a residential neighborhood. The site has limited visibility from any arterial or collector street.**

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.

**Applied Composites closed and vacated the property in 2005. The property has remained vacant. Some of the structures on the site were torn down in 2008 and other structures were recently demolished in 2011. The area surrounding the site is mostly developed.**

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

**Higher quality and better suited industrial sites surrounded by similar land uses are available elsewhere in the community. The proximity of the property relative to the Downtown area makes the property more desirable for residential use.**

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

**In 2008 the City adopted an amendment to the Comprehensive Plan which designated a future land use for the site of "Medium Residential", with a gross density range of 2.5 to 6.5 dwelling units per acre. The proposed zoning districts of RT-2 (net 8.7 du/acre) and RM-2 (net 10 du/acre), after accounting for street rights-of-way and land for stormwater detention, will result in an overall gross density within the range recommended by the Comprehensive Plan.**

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

**No, the proposed amendment does not correct an error or omission in the Zoning Map.**

9. The extent to which the proposed amendment creates nonconformities.

**No non-conformities will be created by the Map Amendment.**

10. The trend of development, if any, in the general area of the property in question.

**There is no perceptible trend of development in the area. The subject property represents a substantial portion of the land area of the neighborhood and has been vacant for 5 years. The neighborhood surrounding the site is otherwise stable.**

EXHIBIT “D-2”

FINDINGS OF FACT FOR SPECIAL USE FOR PLANNED UNIT DEVELOPMENT

From the St. Charles Zoning Ordinance, Section 17.04.410.D.3:

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

1. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.

**The PUD Preliminary Plans provide for a modified grid street pattern connected to existing access locations. The development plan is more “suburban” in layout and building form than recommended in the Comprehensive Plan.**

2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.

**The PUD Preliminary Plans interconnect all existing streets that currently terminate at the site. Complete sidewalks systems connect with the existing sidewalk grid in the neighborhood. Off-site sidewalks will be constructed on 7<sup>th</sup> Street, 9<sup>th</sup> Street, and along State Street between 7<sup>th</sup> and 9<sup>th</sup> Street to complete the sidewalk grid between the site and the neighborhood. The PUD Preliminary Plans provide recreational facilities in the form of the pedestrian/bike path connections off site to a future regional trail on the railroad right-of-way, a trail to the St. Charles Park District park site, and a trail connecting to 12<sup>th</sup> Street.**

3. To encourage a harmonious mix of land uses and a variety of housing types and prices.

**The PUD provides residential land uses that are compatible with the adjacent residential neighborhood. The residential land uses are not compatible with isolated industrial properties that adjoin the site. However, the Comprehensive Plan recommends a future land use of “Medium Residential” for the properties at 229 N. 9<sup>th</sup> Street and 602 N. 12<sup>th</sup> Street.**

**The PUD provides two different housing types within the site, but with limited variation within each category. The PUD does not provide any affordable residential units, which is a requirement of the Zoning Ordinance.**

4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.

**The property has been previously developed. The PUD Preliminary Plans generally leave the State Street Creek and wooded areas south of the creek undisturbed.**

5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.

**The PUD Preliminary Plans include engineering plans for infrastructure facilities to serve the site. The plans follow City Code requirements for subdivisions and stormwater management. The Illinois EPA will require that environmental contamination of the property be remediated prior to development for residential use.**

6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.

**The Planned Unit Development will facilitate the redevelopment of a vacant site containing obsolete and deteriorated site improvements.**

7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community.

**Neighborhood meetings were held in 2006 and 2007 to consider the future land use of the subject property. A Comprehensive Plan amendment was reviewed and adopted by the City Council in 2008.**

**Consideration of this development as a PUD has allowed a public hearing process and input from neighboring property owners and residents, governmental bodies, and the community. The PUD was discussed during Concept Plan review meetings before the Plan Commission and Planning and Development Committee of the City Council in 2008 and 2009. The Plan Commission held 2 public hearings to review the PUD.**

2. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:
  - A. Conforming to the requirements would inhibit creative design that serves community goals, or
  - B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.

**The PUD Preliminary Plans provide recreational facilities in the form of the pedestrian/bike path connections off site to a future regional trail on the railroad right-of-way, a trail to the St. Charles Park District park site, and a trail connecting to 12<sup>th</sup> Street. Off-site sidewalks will be constructed on 7<sup>th</sup> Street, 9<sup>th</sup> Street, and State Street.**
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.

**The PUD Preliminary Plans will leave the wooded area south of State Street Creek mostly undisturbed.**
3. The PUD will provide superior landscaping, buffering or screening.

**The PUD Preliminary Plans provide landscaping in compliance with the City’s Zoning Ordinance. Landscape buffering is provided along the property lines adjoining existing industrial uses.**

4. The buildings within the PUD offer high quality architectural design.

**The single-family detached houses are traditional in form as recommended by the Comprehensive Plan, however the buildings are uniform in terms of mass and orientation on the lot. Garages are set back from the façade and porches are provided on some elevations. The elevations have varied architectural style treatments.**

**The townhome buildings are more suburban in form than recommended by the Comprehensive Plan, with garage entrances on the front elevations. The architectural elevations for the townhomes include more articulation, detailing, and variation in building materials and textures than is required by the Design Standards of the Zoning Ordinance. The PUD proposes elevations with masonry materials that do not continue around the entire building, which deviates from the Design Standard of continuous materials on all elevations. The PUD proposes two townhome buildings containing six units attached in a row, which exceeds the Design Standard maximum of five units attached in a row.**

5. The PUD provides for energy efficient building and site design.

**Energy efficient features of the building and site design have not been identified.**

6. The PUD provides for the use of innovative stormwater management techniques.

**The PUD Preliminary Plans include a stormwater management system in compliance with City Code requirements. The property is not currently served by a stormwater management system. The detention basins will be naturalized, which can improve water quality.**

7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.

**No accessible dwelling units have been proposed as part of the PUD.**

8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.

**The PUD deviates from the requirements of the City’s Zoning Ordinance with respect to providing affordable dwelling units. The PUD does not include any affordable dwelling units and no fee-in-lieu of constructing the units is proposed. The developer will follow the recommendation of the City’s Housing Commission to actively seek grant funding assistance that can reduce the cost of the residential units to a level that is closer to a level considered “affordable” by the City’s Zoning Ordinance.**

9. The PUD preserves historic buildings, sites or neighborhoods.

**The proposed PUD is not within a Historic District, but is located approximately two blocks from the Central Historic District. The property is a former industrial facility that is located within an older neighborhood which contains two designated Landmark buildings located approximately two blocks south of the subject property. The buildings and other site improvements on the subject property have not been identified as having any unique historic value and have been substantially demolished.**

3. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):

From the Charles Zoning Ordinance, Section 17.04.430.C.2:

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each

of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

- A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

**The location is desirable for residential development due to its proximity to downtown. The Comprehensive Plan recommends more residential housing in close proximity to downtown to enhance the Downtown’s viability.**

- B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

**The following studies have been completed to determine infrastructure improvements necessary to support the development:**

- **Traffic Impact Study prepared by KLOA dated September 27, 2011, indicates that adequate access roads will be provided.**
- **Water Supply Modeling Study prepared by Trotter and Associates dated December 27, 2010 indicates that adequate water supply will be provided.**
- **Sanitary Sewer Evaluation prepared by Wills Burke Kelsey Associates dated December 17, 2010 indicates that adequate sanitary sewer utilities will be provided.**

**PUD Preliminary Engineering Plans have been reviewed by City staff for compliance with City Codes and Ordinances, including the Kane County Stormwater Ordinance. Based on these reviews, adequate on-site utilities, access roads, drainage, and related facilities have been provided on the plan documents,.**

- C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

**Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on nearby property.**

**With respect to traffic, there was significant testimony regarding existing delays encountered for vehicles exiting the neighborhood on to IL Route 64 and IL Route 31. The proposed development is expected to increase these delays. The traffic study for the project concluded that all intersections analyzed would operate at an overall acceptable level of service in 2015 when the project is fully constructed. However, the study also identified that the level of service for individual traffic movements out of the neighborhood and on to IL Route 64 and 31 would be degraded to an unacceptable level for certain locations. The developer will provide a contribution for off-site traffic**

**improvements in the amount of \$200,000 to be used for improvements to these intersections, as determined by the City.**

**Residential land uses surrounding the subject property are compatible and complementary to the land uses proposed for the PUD. The PUD will not diminish or impair residential property values in comparison to the existing property value and condition of the site.**

**Existing industrial land uses surrounding the subject property are not compatible with the proposed land uses for the PUD. The isolated industrial properties surrounding the site are already located in close proximity to other residential uses. The industrial properties located immediately to the west and south have existing legal non-conforming building setbacks from the development site. The Zoning Ordinance requires that where two incompatible uses adjoin along a property line, buffering and screening are the responsibility of the more intensive use (the industrial property). Any future development of the industrial sites under the existing zoning will require additional buffering and screening.**

D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on surrounding property.**

**Residential land uses surrounding the subject property are compatible and complementary to the land uses proposed for the PUD, as discussed in Item C. above.**

**Industrial land uses surrounding the subject property are not compatible with the proposed land uses for the PUD, as discussed in Item C. above.**

E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

**Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on surrounding property.**

**For the reasons stated under Item C. above, further traffic analysis is recommended.**

F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

**The PUD complies with all City Codes, with the exception of any Zoning Ordinance deviations requested through the Planned Unit Development. The City will not authorize the construction of residential dwelling units on the property until the Illinois Environmental Protection Agency issues No Further Remediation letter(s) indicating that the site has been appropriately cleaned of environmental contaminants.**

4. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.

**The City has adopted policy through the Comprehensive Plan to support development of the subject property with residential uses within a specified density range. The proposed development meets this objective and is within the recommended density range.**

5. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.

**The subject property is classified in the Comprehensive Plan, Future Land Use Map #14 as “Medium Residential.” The PUD Preliminary Plans conform to the Future Land Use Designation.**

**The Comprehensive Plan includes the following Goals and Objectives to be used when evaluating development proposals in this location:**

*Provide for future redevelopment while preserving the character of the surrounding neighborhood*

- *Maintain the existing typology of the surrounding residential neighborhood through the interconnection of streets and similar types of housing styles.*
- *Residential housing in close proximity to Downtown St. Charles is encouraged, to provide residents the opportunity to enjoy downtown amenities and to enhance Downtown’s viability.*
- *Provide buffers or transition areas between different uses such as industrial and residential.*
- *Locate any areas of redevelopment that have a higher density away from existing lower density development, and provide appropriate transitions between dissimilar uses.*
- *Avoid land use and street patterns that result in heavy trucks using residential streets to access industrial or retail businesses.*

**The development provides interconnected streets. The architectural style treatments are similar to those in the neighborhood; however the building forms are dissimilar to those found in the neighborhood. The development is more regular and uniform than the existing neighborhood.**

**Higher density townhomes have been located adjacent to the neighboring industrial uses.**

**Only limited buffers and transition areas have been provided adjacent to the isolated industrial uses on 9<sup>th</sup> and 12<sup>th</sup> Streets. The Comprehensive Plan recommends a long term future land use of “Medium Residential” for these properties.**

*Provide Public open space to serve the neighborhood needs*

- *Look for opportunities to address changes to State Street Creek where possible.*
- *Provide for adequate park space to serve local needs.*

**No changes are proposed to State Street Creek. Stormwater basins will be constructed north of the creek. Most trees will be preserved on the south side of the creek.**

**The subject property represents the most significant development site within the neighborhood, and therefore is the only opportunity for a significant park land donation. The St. Charles Park District has acquired the 2.76 acre site located at 229 N. 9th Street, to be called “Belgium Town Park”. The Park District will accept a small parcel on 9th Street as a land donation to improve access to the Belgium Town Park site. The rest of the requirement will be met as a cash donation to the Park District that can be used to improve the park.**

**The City’s Subdivision Ordinance requires a land or cash donation based on the expected population of the subdivision (Population of 307, with a requirement at 10 acres per 1,000 population, equals a donation size of 3.07 acres). The park site acquired by the Park District is less than the recommended preferred size for the proposed development. A private park for the residents of the PUD is proposed on the north side of Mark Street between 5<sup>th</sup> and 6<sup>th</sup> Streets.**

*Provide a range of housing that is available, accessible and affordable*

- *Maintain the quality of the existing housing stock.*
- *Look for opportunities to add Senior housing to the area.*
- *Require high quality construction for new development.*
- *Promote subdivision design that creates desirable and cost efficient residential neighborhoods.*

**The PUD provides two distinct housing types- single-family detached houses and townhome units. No units are specifically designed to be accessible. No units are considered “affordable” by the City’s Zoning Ordinance. No units have been designed specifically for senior housing.**

**In terms of construction and design quality, the proposed townhomes comply with the City’s Design Standards, with deviations requested to allow the use of masonry materials on front and side elevations only.**

**The overall subdivision layout is desirable, but it is unknown how cost efficient the development plan is without comparison to an alternate plan.**

EXHIBIT "E"  
PUD PRELIMINARY PLANS

EXHIBIT "F"

**AFFORDABLE HOUSING AGREEMENT**

This Affordable Housing Agreement (hereinafter referred to as the "Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of St. Charles, a municipal corporation (the "City"), organized and incorporated under the laws of the State of Illinois and Lexington Homes, LLC, an Illinois limited liability company (the "Developer"; the City and the Developer each known individually as a "Party" and collectively as the "Parties").

**RECITALS**

**WHEREAS**, the Developer is the owner of the real estate legally described on Exhibit "A", attached hereto and made a part hereof (the "Subject Realty"); and

**WHEREAS**, the Developer has filed applications with the City regarding the Subject Realty for, among other things, (a) a zoning map amendment, (b) a special use for a planned unit development, and (c) certain deviations from the City's Zoning Ordinance, in order to allow construction of a residential development consisting of 102 two-story townhomes and 28 single family detached homes, all as more specifically described in Ordinance No. \_\_\_\_\_, passed by the City on \_\_\_\_\_, 2012 (the "Project"); and

**WHEREAS**, one of the deviations requested by the Developer is exemption from the requirements of Chapter 17.18 of the City's Zoning Ordinance regarding inclusionary housing; and

**WHEREAS**, as a condition of approving such a deviation, the Developer is required to take certain actions to seek funding for providing Affordable Housing (as defined in the Zoning Ordinance) on the Subject Realty, and to enter in to this Agreement in connection therewith.

**NOW, THEREFORE**, in consideration of the foregoing premises and in further consideration of the mutual covenants, conditions and agreements herein contained, the Parties hereto agree as follows:

**Section 1. Incorporation of Recitals.** The recitals set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1, and this Agreement shall be construed in accordance therewith.

**Section 2. Application for Affordable Housing Funding.** Commencing with the execution of this Agreement, and until the last certificate of occupancy is granted for the Project, the Developer shall apply for grant funding for the purpose of obtaining financing for the construction of Affordable Housing as part of the Project. At a minimum, application shall be made to Kane County Office of Community Reinvestment, Illinois Housing Development Authority, and the U.S. Department of Housing and Urban Development for all programs for which the project may qualify.

Applications shall be made each calendar year, or grant funding cycle, whichever is more frequent. The Developer shall provide copies of each funding application to the City for review prior to filing such application. In the event the project does not qualify for any program offered during the calendar year or grant funding cycle, the developer shall provide documentation demonstrating that the project does not qualify or shall provide a letter confirming such from each respective agency.

**Section 3. Use of Funds.** Should the Developer obtain any of the grant funding applied for, it shall utilize the funds to construct Affordable Housing on the Subject Realty as part of the Project, in conformance with all applicable laws, ordinances and regulations.

**Section 4. Meeting with Housing Commission.** Upon filing the first grant application, the Developer shall meet with the Housing Commission of the City to discuss strategies and activities related to the Developer's obligations hereunder. Additional meetings shall occur periodically thereafter, pursuant to the request of either Party.

**Section 5. Failure to Comply.** Should the Developer fail to comply with the terms of this Agreement at any time during construction of the Project, the City may declare the Developer to be in default by providing written notice to the Developer. Upon such written notice, the requirements of Chapter 17.18 of the City's Zoning Ordinance shall apply to all remaining housing units comprising the Project which have not, at the time of such written notice, received a final occupancy permit.

**Section 6. Miscellaneous Provisions.**

(a) *Mutual Cooperation.* The Parties shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in furthering the objectives of this Agreement and the intent of the Parties as reflected by the terms of this Agreement.

(b) *Disclaimer.* Nothing contained in this Agreement, nor any act of the City, shall be deemed or construed by any of the Parties, or by third persons, to create any relationship of third Party beneficiary, or of principal or agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving the City or the Developer.

(c) *Covenants Running with the Land.* It is intended and agreed that all covenants provided in this Agreement on the part of the Developer to be performed or observed shall be covenants running with the land binding to the fullest extent permitted by law and equity for the benefit and in favor of, and enforceable by the City, and any successor in interest to the Subject Realty, other than individual owners of residential units constructed on the Subject Realty.

(d) *Paragraph Headings.* The paragraph headings and references are for the convenience of the parties and are not intended to limit, vary, define or expand the terms and provisions contained in this Agreement and shall not be used to interpret or construe the terms and provisions of this Agreement.

(e) *Counterparts.* This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same Agreement.

(f) *Recordation of Agreement.* The Parties agree to execute and deliver the original of this Agreement in proper form for recording in the office of the Recorder of Deeds, Kane County, Illinois.

(g) *Notices.* Notices herein required shall be in writing and shall be served upon the Parties, either personally or mailed by certified or registered mail, return receipt requested:

If to the City:

City Administrator  
City of St. Charles  
2 East Main Street  
St. Charles, Illinois 60174

with a copy to:

Gorski & Good, LLP  
211 South Wheaton Avenue, Suite 305  
Wheaton, Illinois 60187  
Attn: Ms. Robin Jones

If to Developer:

Lexington Homes, LLC  
1731 N. Marcey Street, Suite 200  
Chicago, Illinois 60614

with a copy to:

Rathje & Woodward, LLC  
300 E. Roosevelt Road, Suite 300  
Wheaton, IL 60187  
Attn: Mr. Henry Stillwell

If to any Mortgagee: To the person and address designated to the City in writing by the Mortgagee.

A Party's address may be changed from time to time by such Party giving notice as provided above to the other Parties noted above.

(h) *Integration.* This Agreement together with all Exhibits and attachments thereto, constitute the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or the Developer.

(i) *Amendment.* This Agreement, and any Exhibit attached hereto, may be amended only by written instrument properly executed by the Parties or their successors in interest. Execution of any such amendment by the City shall first have been authorized by the Ordinance or Resolution duly adopted by the corporate authorities of the City.

(j) *Successors and Assignees.* The terms and conditions of this Agreement are to apply to and bind and inure to the benefit of the City, the Developer and their successors and assignees.

(k) *Severability.* If any provision of this Agreement, or any paragraph, sentence, clause, phrase or word, or the application thereof, in any circumstances, is held invalid, the remainder of the Agreement shall be construed as if such invalid part were never included herein and the Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.

(l) *Term.* This Agreement shall be in full force and effect from and after the execution hereof by the last Party to execute the same and shall remain in full force and effect until final completion of the Project, as evidenced by issuance of a final occupancy certificate for the last unit comprising the Project.

(m) *Governing Law.* The laws of the State of Illinois shall govern the interpretation and enforcement of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on or as of the day and year first above written.

CITY OF ST. CHARLES, an Illinois  
municipal corporation,

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_, an Illinois limited  
liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF KANE            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Donald P. DeWitte, Mayor of the City of St. Charles, and Nancy Garrison, City Clerk of said City, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Mayor and City Clerk, respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth; and the City Clerk then and there acknowledged that she, as custodian of the corporate seal of said City, did affix the corporate seal of said City to said instrument, as her own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF KANE            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, an Illinois limited liability company, and \_\_\_\_\_, \_\_\_\_\_ of said company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_, respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**LEGAL DESCRIPTION OF SUBJECT REALTY**

**SUBJECT PROPERTY:**

**PARCEL ONE:**

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET); ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

**PARCEL TWO:**

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT

PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

**PARCEL THREE:**

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTH EAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET 1043 FEET; THENCE NORTH 2 DEGREES, 44 MINUTES, 0 SECONDS EAST 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 149.92 FEET; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES, 45 MINUTES, 0 SECONDS WEST 135.80 FEET; THENCE NORTH 7.90 FEET; THENCE SOUTH 89 DEGREES, 20 MINUTES, 0 SECONDS WEST 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST 106 FEET; THENCE SOUTH 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 19.73 FEET; THENCE SOUTH 74 DEGREES, 16 MINUTES, 30 SECONDS EAST 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

**PARCEL FOUR:**

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH EAST 1/4; THENCE EAST 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET, FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST 69 FEET; THENCE NORTH 0 DEGREES, 27 MINUTES, 10 SECONDS EAST 60 FEET; THENCE WEST 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES, 13 MINUTES, 0 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

**PARCEL FIVE:**

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES, 37 MINUTES, 0 SECONDS WEST ALONG THE EASTERLY LINE OF WEST

SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES, 46 MINUTES, 0 SECONDS EAST 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES, 48 MINUTES, 0 SECONDS WEST ALONG SAID WESTERLY LINE 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES, 30 MINUTES, 0 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES, 37 MINUTES, 0 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SIX:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND 174 FEET; THENCE NORTH 60 DEGREES, 19 MINUTES, 0 SECONDS WEST, 168.19 FEET; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES, 31 MINUTES, 0 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 285 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST 255.77 FEET TO A POINT SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION 285.0 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132.0 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 04 MINUTES, 0 SECONDS WEST ALONG THE LAST DESCRIBED COURSE 255.77 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 100.00 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES, 06 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES, 06 MINUTES, 0 SECONDS EAST 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL SEVEN:

EASEMENT FOR PRIVATE ROADWAY RESERVED BY DEED RECORDED JULY 16, 1957, IN BOOK 1855, PAGE 119, AS DOCUMENT 839306, MADE BY HAWLEY PRODUCT COMPANY TO CARL E. SODERQUIST AND SONS FOR THE BENEFIT OF THE NORTH 30 FEET OF LOT 11 IN BLOCK 5 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES IN PARCEL TWO, OVER THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 535 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE EAST 30 FEET; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST

134.45 FEET; THENCE NORTH 1 DEGREE WEST PARALLEL WITH THE WEST LINE OF SAID ADDITION 30 FEET; THENCE SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST 134.45 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL EIGHT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 1 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 1 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT G

REIMBURSEMENT FOR OFF-SITE WATER MAIN IMPROVEMENTS

<b>ASPHALT ROADS</b>				
	<u>Street Name</u>	<u>Unit</u>	<u>Quantity</u>	<u>Cost</u>
	State St., 9th to Dean St	FT	250	\$ 13,863.33
<b>WATERMAIN</b>				
		<u>Unit</u>	<u>Quantity</u>	<u>Cost</u>
1	10" DIP, Class 52, Water Main	LF	820	\$65,600.00
2	Fire Hydrant Assembly, With Auxillary Valve and Box	EA	1	\$3,200.00
3	1" Type "K" Copper Water Service, With B-Box Assembly	EA	6	\$12,000.00
4	Curb and Gutter Removal and Replacement	LF	30	\$630.00
5	Restoration	LS	1	\$2,000.00
				<b>\$83,430.00</b>
	<b><u>TOTAL FOR ALL WORK</u></b>			<b><u>\$97,293.33</u></b>

**EXHIBIT H**

**FORM OF PLACEHOLDER NOTE**

\$ \_\_\_\_\_

ST. CHARLES, Illinois  
\_\_\_\_\_, 20\_\_

FOR VALUE RECEIVED, the undersigned, the City of St. Charles, an Illinois municipal corporation, with its principal address at 2 East Main Street, St. Charles, Illinois 60174 ("City"), hereby acknowledges that it is obligated to pay to the order of \_\_\_\_\_ ("Registered Owner"), the principal sum of \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars, with interest on the unpaid principal balance from the date of this Note, until paid, at the rate of \_\_\_% per annum. Interest shall not compound.

This Note is issued under and pursuant to the terms and provisions of a certain Development Agreement entered into as of the \_\_\_ day of \_\_\_\_\_, 2012, (the "Development Agreement") by and between the City and Registered Owner, all of the provisions of which are hereby incorporated herein as though set forth verbatim. Reference is hereby made to such Development Agreement for definition of all terms not otherwise defined herein.

THE PARTIES HEREBY ACKNOWLEDGE THAT NO PAYMENTS SHALL BE DUE UNDER THIS PLACEHOLDER NOTE AND THAT THE PURPOSE OF ITS ISSUANCE IS SIMPLY TO EVIDENCE THE CITY'S OBLIGATION TO REIMBURSE CERTAIN REDEVELOPMENT COSTS TO THE REGISTERED OWNER PURSUANT TO THE PROVISIONS OF THE DEVELOPMENT AGREEMENT. ALL PAYMENTS DUE TO THE REGISTERED OWNER SHALL BE MADE PURSUANT TO NOTE(S) ISSUED BY THE CITY UPON THE RETIREMENT OF THIS PLACEHOLDER NOTE.

This Placeholder Note shall not constitute a general obligation of the City, nor shall it be secured by the full faith and credit of the City. If the Development Agreement is terminated pursuant to the terms thereof, this Placeholder Note shall also terminate.

IN WITNESS WHEREOF, the City has executed this Placeholder Note as of the day and year first above written.

CITY OF ST. CHARLES, an Illinois  
municipal corporation,

By: \_\_\_\_\_  
City Administrator

By: \_\_\_\_\_  
Finance Director

**EXHIBIT I**

**FORM OF NOTE**

**UNITED STATES OF AMERICA  
STATE OF ILLINOIS  
COUNTY OF KANE  
CITY OF ST. CHARLES  
TAXABLE TAX INCREMENT ALLOCATION REVENUE NOTE  
(LEXINGTON CLUB REDEVELOPMENT PROJECT AREA)**

**REGISTERED  
NO. \_\_\_\_\_**

**\$ \_\_\_\_\_**

**Interest Rate: \_\_\_\_\_**

**Maturity Date: \_\_\_\_\_, 20\_\_\_\_**

FOR VALUE RECEIVED, the undersigned, the City of St. Charles, an Illinois municipal corporation, with its principal address at 2 East Main Street, St. Charles, Illinois 60174 (the "City"), hereby promises to pay to the order of the Registered Owner identified above, or registered assigns as hereinafter provided, but solely from the sources hereinafter identified, the principal sum of \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars, with interest on the unpaid principal balance payable as set forth below.

This Note is issued under and pursuant to the terms and provisions of a certain Lexington Club Development Agreement entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2012 (the "Development Agreement"), by and between the City and St. Charles – 333 North Sixth Street, LLC (the "Developer"), all of the provisions of which are hereby incorporated herein as though set forth verbatim. Reference is hereby made to the Development Agreement for definition of all terms not otherwise defined herein.

The City has assigned and pledged certain rights, title and interest of the City in and to certain incremental ad valorem tax revenues from the Area which the City is entitled to receive pursuant to the TIF Act and the Development Agreement, in order to pay the principal of and interest of the Note. Reference is hereby made to the aforesaid Development Agreement for a description, among others, with respect to the determination, custody and application of said revenues, the nature and extent of such security with respect to the Note and the terms and conditions under which the Note is issued and secured. **THIS NOTE IS NOT A GENERAL OR MORAL OBLIGATION OF THE CITY BUT IS A SPECIAL LIMITED OBLIGATION OF THE CITY, AND IS PAYABLE SOLELY FROM NET TIF PROCEEDS, AND SHALL BE A VALID CLAIM OF THE REGISTERED OWNER**

**HEREOF ONLY AGAINST SAID SOURCE. THIS NOTE SHALL NOT BE DEEMED TO CONSTITUTE INDEBTEDNESS OR A LOAN AGAINST THE GENERAL TAXING POWERS OR CREDIT OF THE CITY, WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION. THE REGISTERED OWNER OF THIS NOTE SHALL NOT HAVE THE RIGHT TO COMPEL ANY EXERCISE OF THE TAXING POWER OF THE CITY, THE STATE OF ILLINOIS OR ANY POLITICAL SUBDIVISION THEREOF TO PAY THE PRINCIPAL OF OR INTEREST ON THIS NOTE.**

Provided that the Developer is not in default under the Development Agreement, the City's obligation to repay this Note shall continue until the Note, including accrued interest, is paid in full, or until the expiration of the term of the Development Agreement, whichever is earlier. If the Development Agreement is terminated pursuant to the terms thereof, the City's obligation to repay this Note shall also terminate.

This Note is subject to mandatory redemption without premium, pursuant to the provisions of the Development Agreement, at a redemption price of 100% of the principal amount redeemed plus interest accrued to the redemption date on each February 15<sup>th</sup>, to the extent there are Net TIF Proceeds available for such redemption.

This Note is also subject to optional redemption without premium, in whole or in part, at any time three (3) years from and after the date of issuance of this Note.

The principal of and interest on this Note are payable in lawful money of the United States of America, and shall be made to the Registered Owner hereof as shown on the registration books of the City maintained by the Finance Director of the City, as registrar and paying agent (the "Registrar"), on the applicable redemption or maturity date, and shall be paid by check or draft of the City, payable in lawful money of the United States of American, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Registrar; provided, that the final installment of principal and accrued but unpaid interest will be payable solely upon presentation of this Note at the principal office of the Registrar in St. Charles, Illinois or as otherwise directed by the City.

Pursuant to the Development Agreement, the Developer has agreed to acquire and construct the Project and to advance funds for the incurrence under the TIF Act of certain eligible redevelopment project costs related to the Project. Such costs up to the amount of \$6,000,000 as determined and adjusted pursuant to the Development Agreement shall be deemed to be a disbursement of the proceeds of the Note, and the outstanding principal amount of the Note shall be increased by the amount of each such advance as from time to time made. The principal amount outstanding of the Note shall be the sum of advances made pursuant to Certificates of Redevelopment Costs minus any principal amount paid on the Note or other reductions pursuant to the Development Agreement. The City shall not approve Certificates of Redevelopment Costs with respect to the Note that total in excess of \$6,000,000.

The City and the Registrar may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and for all other purposes and neither the City nor the Registrar shall be affected by any notice to the contrary, unless transferred in accordance with the provisions hereof.

It is hereby certified and recited that all conditions, acts and things required by law to exist, to happen, or to be done or performed precedent to and in the issuance of this Note did exist, have happened, have been done and have been performed in regular and due form and time as required by law; that the issuance of this Note, together with all other obligations of the City, does not exceed or violate any constitutional or statutory limitation applicable to the City.

This Note shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been signed by the Registrar.

If this Note is initially issued to the Developer, this Note may be (i) assigned or pledged as collateral by the Developer to any senior lender or project financing source for the Project, or (ii) transferred to any entity controlling, controlled by or under common control with the Developer or any entity in which the majority equity interest is owned by the parties that have a majority equity interest in the Developer.

In all other cases, any assignment, sale or other transfer of this Note must be to a Qualified Investor. Qualified Investor shall mean an Accredited Investor as defined under rule 501(D) of the Securities Act of 1933.

In all such cases of assignment, sale or other transfer of this Note, the City shall be provided with an opinion of counsel or a certificate of the transferor, in a form satisfactory to the City, that such transfer is exempt from registration and prospectus delivery requirements of federal and applicable state securities laws.

Upon such transfer, a new Note of authorized denomination of the same maturity and for the same aggregate principal amount and rate of interest will be issued to the transferee in exchange herefor. Such transfer shall be in accordance with the form at the end of this Note.

Transfer of the ownership of this Note to a person other than one permitted by the terms of the Development Agreement shall relieve the City of all of its obligations under this Note.

IN WITNESS WHEREOF, the City has executed this Note as of the day and year first above written.

CITY OF ST. CHARLES, an Illinois  
municipal corporation,

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CERTIFICATE OF AUTHENTICATION**

This Note is described in the  
within-mentioned Development Agreement and  
is the \$\_\_\_\_\_ Taxable Tax Increment  
Allocation Revenue Note  
(Lexington Club Redevelopment Project Area),  
of the City of St. Charles.

\_\_\_\_\_  
Finance Director, as Registrar and Paying Agent

Date: \_\_\_\_\_

(ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto ASSINGEE of NOTE \_\_\_\_\_ the within Note and does hereby irrevocably constitute and appoint attorney to transfer the said Note on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_  
Registered Owner

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the Note in every particular, without alteration or enlargement or any change whatever.

Consented to as of: \_\_\_\_\_

City of St. Charles, Illinois

By: \_\_\_\_\_

Title: \_\_\_\_\_  
Finance Director

NOV 08 2012

CDD  
Planning Division

**2R2R: River to Randall, Railway to Route 64**

A Subgroup of the Near West Neighborhood Association

Dear Aldermen,

Our organization started a petition against the Lexington Club TIF a few months ago. We found that citizens from throughout St. Charles are opposed to this particular TIF.

You should be receiving notarized copies of the petitions containing 659 names. We have more petitions out there but were not able to get them all in on time for the meeting Monday.

Stakeholders from throughout the City oppose this TIF because:

1. The property taxes of every St. Charles property owner, outside of the Lexington Club PUD area, would be raised to offset the property tax revenue from the PUD that would go to retiring the TIF.
2. The TIF funds will primarily be used for site preparation expenses, and that is something that builders routinely include in the price of their units. The builder has not demonstrated that it will not charge buyers for that expense; so, it would be getting reimbursed twice for the same expenses.
3. All site preparation issues were known at the time the property was purchased in 2006. Nothing new has come to light and it is not a matter of having to offer TIF money as an inducement to entice a developer to purchase the property; this developer did so willingly and of his own volition.
4. St. Charles stakeholders do not favor having their property taxes raised at a time when their property values have declined, the economy is a work in progress, and their taxes are being raised simply to meet the needs of the taxing bodies.
5. St. Charles residents are vehemently opposed to helping a residential developer add more units to the housing stock at a time when the number of vacant properties in the City is approaching 500 units.

Sincerely,

Joseph Masiokas, Chairperson of 2R2R  
23 North 7<sup>th</sup> Street

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

- Whereas the property referred to herein is the old Applied Composites Site which is located from the Union Pacific Railroad tracks and parcels to the south, between 12<sup>th</sup> St. to the west and 5<sup>th</sup> St. to the east. The boundary extends to just north of Dean Street and State Street, and
- Whereas the property is currently zoned M-1 Special Manufacturing, and is requesting rezoning to RT-3 Traditional Single Family Residential and RM-2 Medium Density Residential with a Special Use as a Planned Unit Development (PUD), and
- Whereas the current owner/developer of the property and proposed development is requesting variances to the City and Zoning Ordinances including but not limited to the use lesser quality building materials, smaller lot sizes and higher density than the surrounding properties, and
- Whereas the current owner/developer of the property has requested \$4.96M in taxpayer-funded assistance through the establishment of a Tax Increment Financing (TIF) district, and
- Whereas there has been significant resident opposition to the design of the proposed development by residents and stakeholders of the City,

We therefore direct our elected and appointed representatives of our City Council deny the developer's request for taxpayer-funded assistance via the proposed TIF district.

I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry

Signed: Joseph T. March  
Date: 10-20-12

Notary Witness: Penny Brizzolara

OFFICIAL SEAL  
PENNY BRIZZOLARA  
Notary Public - State of Illinois  
My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Patrick Bringer	<u>Patrick Bringer</u>	<sup>WORKS AT 103 WEST MAIN STREET</sup> 42 W 518 CAROL DR. ST. CHARLES, ILL	(630) 804-9299
2	Timothy Westfall	<u>Timothy Westfall</u>	<sup>WORKS AT BUCK GOOSE GROCERY STORE ST. CHARLES</sup> 320 Courtland Drive S. Elgin	630-550-9915
3	NEIL EDMONDSON	<u>Neil Edmondson</u>	<sup>WORKS AT 311 N. 2nd STREET ST. CHARLES</sup> 4 N 103 PERSON CREEK, 60176	630-377-6201
4	Jodi White	<u>Jodi White</u>	106 S. 2 <sup>nd</sup> ST S.C. 60174	630-377-6053
5	Susan Wilson	<u>Susan Wilson</u>	<sup>WORKS AT COSTCO - ST. CHARLES</sup> 924 Rembrandt Sugar Grove, IL 60089	630-544-065
6	Paul Whiteside	<u>Paul Whiteside</u>	820 S. 11th Ave, St. Charles	630-762-1347
7	Grace Caldwell	<u>Grace Caldwell</u>	<sup>WORKS AT STEINER ELECTRIC - ST. CHARLES</sup> 7136 STEVENS AVE 60176	630-762-1347
8	Marina Fahlars	<u>Marina Fahlars</u>	<sup>WORKS AT ON THE BORDER IN ST. CHARLES</sup> 7 N 350 STEVENS GLEN RD	
9	Chris Jackson	<u>Chris Jackson</u>	221 S. 3 <sup>rd</sup> St St. Charles	630-660-6920
10	Bernie Baker	<u>Bernie Baker</u>	15 W 7th ST	224-688-2158
11	VALERIE Jones	<u>Valerie Jones</u>	15 NORTH 7th ST ST. CHARLES	630-377-1991
12	SUSAN WHITE	<u>Susan White</u>	513 Illinois Street ST.C.	630-584-6815

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

- Whereas the property referred to herein is the old Applied Composites Site which is located from the Union Pacific Railroad tracks and parcels to the south, between 12<sup>th</sup> St. to the west and 5<sup>th</sup> St. to the east. The boundary extends to just north of Dean Street and State Street, and
- Whereas the property is currently zoned M-1 Special Manufacturing, and is requesting rezoning to RT-3 Traditional Single Family Residential and RM-2 Medium Density Residential with a Special Use as a Planned Unit Development (PUD), and
- Whereas the current owner/developer of the property and proposed development is requesting variances to the City and Zoning Ordinances including but not limited to the use lesser quality building materials, smaller lot sizes and higher density than the surrounding properties, and
- Whereas the current owner/developer of the property has requested \$4.96M in taxpayer-funded assistance through the establishment of a Tax Increment Financing (TIF) district, and
- Whereas there has been significant resident opposition to the design of the proposed development by residents and stakeholders of the City.

We therefore direct our elected and appointed representatives of our City Council deny the developer's request for taxpayer-funded assistance via the proposed TIF district.

I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.

Signed: Joseph T. Mack

Date: 11-20-12

Notary Witness: Penny Brizzola  
 OFFICIAL SEAL  
 PENNY BRIZZOLA  
 Notary Public - State of Illinois  
 My Commission Expires

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Keith Johnson		103 W Main St. Charles	630-377-7799
2	Ammy Rost		120 Smith Rd	630 815-8550
3	John R. Holman		1246 WICKLOW GATE Ln. ST. CHARLES	630-442-1652
4	Vanessa Bell-LaSota		1010 Howard St, STC	630-587-4379
5	ALMA COUNIHAN		105 W MAIN ST. St. Charles	630 377-6116
6	Leon LaSota		1010 Howard St. St. Chs	630-587-4376
7	Ron Fabbi Jr		1831 Moore Court St. Charles	630-803-8243
8	ROBERT BOISACQ		1612 FAIR HILLS, BARTLETT WALKER MT BUTERA GROCERY STORE ST. CHARLES	630 736-9478
9	YADU KRAPP		17 N 2nd Ave St. Charles	630-660-8160
10	DAVID KRAPP		WORKS OF CHARLES TOWN FARM, ST. CHARLES, ILL 206054 GARDEN FENCE, WILMETT, IL	630-661-8160
11	DAVID W. LANDO		107 W MAIN ST.	630-909-8153
12	TERESA SEGLEN		38 W 553 N. Main St. St. Charles	630 584-2020

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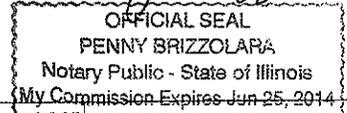
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Signed: Joseph T. Moritz

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	MARY DeBrayne	Mary deBrayne	<del>42 North 62 Street</del> <del>2900 560 4th 229 8th St</del> <sup>St Charles</sup>	630-377-2371
2	Sundae Kadlec	Sundae Kadlec	1509 Ronzheimer St. C	630-584-1631
3	JOAN KRUCKER	Joan D Krucker	1402 Winners Cup Cir. St C	630-945-3469
4	TOM KRUCKER	Thomas W. Krucker	1402 Winners Cup Cir St C	630-945-3462
5	Donna Smith	Donna M Smith	326 So. 15th St. St C	630-377-4665
6	Rachael Soukup	R. Soukup	1126 S. 10 <sup>th</sup> St. STC	630-338-5579
7	Eric Cuz	Eric Cuz	62 St German Pl	630-3648603
8	NORA Bihun	Nora Bihun	<sup>works at 211 N. 2nd Street St Charles</sup> <del>400 612 Blue Lake Circle N.</del>	630 587 3107
9	THOMAS Bihun	Thomas Bihun	<sup>works at 103 West Main St St Charles</sup> 400 612 Blue Lake Cir	630-587-3107
10	John Reale	John Reale	3826 Grand View Ct. St. Charles, IL	630-442-2222
11	Alyssa Paulino	Alyssa Paulino	3915 N 3 <sup>rd</sup> St. St. Charles, IL	630-584-3527
12	Craig Bruttog	Craig Bruttog	2869 Camden Dr.	620-587-4595

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Signed: Joseph T. Meier

Date: 9-20-12

Notary Witness: Penny Brizzolara

OFFICIAL SEAL  
PENNY BRIZZOLARA  
Notary Public - State of Illinois  
My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Sister Mary Boyd	Sister Mary Boyd	115 N. 4 <sup>th</sup> St. St. Charles, IL 60174	630-338-8240
2	HARLIN KINNEY	<u>Harlin Kinney</u>	114 N. 4 <sup>th</sup> St 60174	331 649 9824
3	Chris Dobson	Chris Dobson	120 N. 4 <sup>th</sup> St. 60174	630-723-4055
4	Nickie Juliana	Nickie Juliana	221 Grand Ridge Rd 60175	630-587-5474
5	Betsy Walsh	Betsy Walsh	21 N 5 <sup>th</sup> St. St. Charles 60174	630-443-7095
6	Jamie Wash	J. Wash	21 N 5 <sup>th</sup> St St. Charles 60174	630-443-7095
7	LEE SCHWENDNER	Lee Schwendner	615 CEDAR ST, ST CHARLES 60174	630-584-4352
8	Amy Anderson	Amy Anderson	109 N 7 <sup>th</sup> Street, St Charles 60174	630 486 7325
9	Mary Ann Johnson	Mary Ann Johnson	109 N 7 <sup>th</sup> Street <del>109 N 7<sup>th</sup> Street, St. Charles 60174</del>	630 664 7481
10	Pamela Verner	Pamela Verner	WORKS AT 311 NORTH 2 <sup>ND</sup> STREET ST CHARLES 38 W 606 FOXWOOD LN ST CHARLES	630-377-0006
11	Michael Heger	Michael Heneghan	224 Walnut St St Charles 60174	773-850-7832
12	Clarence Last	Clarence Last	2010 Persimmon Dr. St. Charles 60174	630-587-5859

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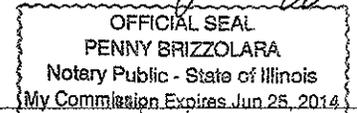
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Signed: Joy T. Branz

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	MARIE Ghiotto	Marie Ghiotto	WORKS AT 311 N 2ND STREET STCS 80112 Citation Ct. Charles	630-377-506
2	Linda Kreffting	Linda Kreffting	1237 Eduardo Ave Charles	630-443-7055
3	Jose A. Delgado	Jose A. Delgado	1315 FOX MEADOW CT ST. CHARLES	630-513-4602
4	ERIC Miller	Eric Miller	522W Cedar St StChas	630-465-2615
5	Paul Holmquist	Paul Holmquist	502 W MAIN. St. Charles	630-377-7225
6	Marisa Zirlin	Marisa Zirlin	610 W. ILLINOIS ST. ST. CHARLES	630-987-5804
7	Tim Rickerson	Tim Rickerson	623 Walnut St. St. Charles	630-936-7471
8	Kathleen Panek	Kathleen Panek	623 Walnut St. St. Charles	630660-8986
9	ANNA GREEV	Anna Greev	328 S. 7 <sup>th</sup> ST. - ST. CHARLES	630-584-6978
10	Michael Kufja	Michael Kufja	621 OAK ST, STC 60174	6309453775
11	WENDY MOSIER	Wendy Mosier	423 So. 7 <sup>th</sup> St., St. Charles 60174	630-513-1163
12	John Mosier	John Mosier	423 S. 7 <sup>th</sup> St., St. Charles, 60174	630-513-1163

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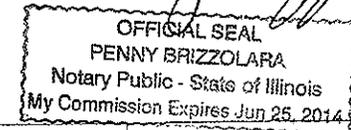
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Signed: *Joseph T. Meehan*

Date: 10-20-12

Notary Witness: *Penny Brizzolara*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Ken Krutz	<i>[Signature]</i>	614 W. MAIN ST.	630-573-7117
2	Galt Bieth	<i>[Signature]</i>	614 W. Main St.	630-254-9434
3	Victoria Poesner	<i>[Signature]</i>	712 W. Main St.	630-569-7969
4	Glenda FABER	<i>[Signature]</i>	800 W. main St.	630-584-7540
5	Kim Allen	<i>[Signature]</i>	806 W. Main St	831-454-4773
6	Melissa Taylor	<i>[Signature]</i>	816 W. Main St.	(928) 853-5754
7	Matthew Robson	<i>[Signature]</i>	309 Walnut St. Apt. F	(630) 309-9002
8	Ed Bartus	<i>[Signature]</i>	820 W. main St	630-240-8945
9	BILL PHILLIPS	<i>[Signature]</i>	410 MILMINGTON WAY STL, IL	630 513 9067
10	J. Peterman	<i>[Signature]</i>	15 N 7 <sup>th</sup> ST St. Chas IL	630-429-4891
11	Charlene VanHoesel	<i>[Signature]</i>	251 Fairview DR - St. C IL	620-584-2551
12	ANTONIO	<i>[Signature]</i>	WORKS AT 311 N 2nd St - St. Chas 8017 CREATION COURT	630-377-5000

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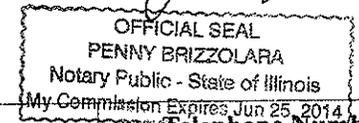
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Signed: Joseph T. Qualls

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	James Maloy	<u>James Maloy</u>	524 S. 16 <sup>th</sup> ST, ST. CHARLES, IL 60174	630-587-1529
2	Rose Kessler	<u>Rose Kessler</u>	200 Hunt Club Dr STC	630-888-5564
3	John Yanni	<u>John Yanni</u>	123 S. 18 <sup>th</sup>	630-513-9472
4	Billy	<u>Billy</u>	42 N/12th	630-443-4010
5	Greg Sengstock	<u>Greg Sengstock</u>	1037 Ash St. Charles	630-587-6487
6	Jill Sengstock	<u>Jill Sengstock</u>	1037 Ash St "	" "
7	Ken Michaelis	<u>Ken Michaelis</u>	42 W 61/2 Steeple Chase Ct 703 N 2nd St. St. C.	630-584-8017
8	Matt Waln	<u>Matt Waln</u>	1814 S 3rd Pl G0174	630-965-3812
9	Victor Flores	<u>Victor Flores</u>	3655 Illinois Ave. ST.C.	630-669-2057
10	Carlos Vasquez	<u>Carlos Vasquez</u>	3655 Illinois Ave. ST.C.	(630) 731-1284
11	Alvaro Herrera	<u>Alvaro Herrera</u>	3655 ILLINOIS AVE.	630 392-4416
12				

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Date: 10-20-12

Notary Witness:

Penny Brizzolara  
 OFFICIAL SEAL  
 PENNY BRIZZOLARA  
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#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	ROBERT GILMARTIN	<u>Robert Gilmartin</u>	552 BROWNINGS DR ST CHARLES	630 587 5784
2	Ray Coppola	<u>Ray Coppola</u>	223 SUGARBURY DR ST CHARLES	-
3	DONNA CHIPP	<u>Donna Chipp</u>	105 MAIN ST, ST CHARLES	
4	Michael Dean	<u>Michael Dean</u>	513 South 13 <sup>th</sup> Street	630-377-7799
5	DAVID BENNET	<u>David Bennet</u>	115 S 7TH ST, ST CHARLES	630-803-5143
6	Bryan Ketter	<u>Bryan Ketter</u>	310 S 7TH ST, ST. C.	815-252-8506
7	Carrie Ketter	<u>Carrie Ketter</u>	310 S. 7th St St. Charles	815-252-8771
8	Mitch Koye	<u>Mitch Koye</u>	302 S 7 <sup>th</sup> St. Ch. C.	630-457-6155
9	Teresa Damaski	<u>Teresa Damaski</u>	703 Indiana St.	616 820 4473
10	<u>Wes Britt</u>	<u>Wes Britt</u>	702 PRAIRIE	630 450-0059
11	ROBERT HOFFMAN	<u>Robert C. Hoffman</u>	122 S 5th Street St. Charles	630-584-9812
12	Kyle Ferenc	<u>Kyle Ferenc</u>	122 S. 6th St. St Charles	630-664-8719

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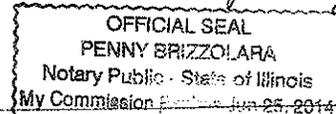
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Signed: Joseph T. Manna

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Tania Presto	<i>Tania Presto</i>	3102 Blackhawk Ct	unlisted
2	Julie Anderson-Forsell	<i>Julie Anderson-Forsell</i>	217 N 6 <sup>th</sup> St. Saint Charles	815-579-1320
3	Kenneth Johnson	<i>Kenneth Johnson</i>	303 N. 2nd #25 St Charles	630 945-3814
4	JAMES PATINKA	<i>James Patinka</i>	808 STATE ST ST CHARLES	630 584-6844
5	ALTA HUN BALT	<i>Alta Hun Balt</i>	1013 FERRY AV. ST. C	656-954 7010
6	Tom Lewis	<i>Tom Lewis</i>	5 S. 1st St. St. Charles	6-443-9304
7	Frederick Gunther	<i>Frederick Gunther</i>	11 Stonewood Drive, St. Charles	630-779-2582
8	Matt Stell	<i>Matt Stell</i>	38 <sup>works AT 103 west main street</sup> W497 Sunset Drive, St. Charles	630-809-3785
9	John O'Leary	<i>John O'Leary</i>	401 abbeywood Dr #C 60175	(630) 7513-5412
10	Patricia Zarris	<i>Patricia Zarris</i>	1011 Ronzheimer Ave 60174	(549) 542-1110
11	Andrew Norris	<i>Andrew Norris</i>	1505 Adams Ave 60174	630 947 4645
12	Sara Norris	<i>Sara Norris</i>	1505 Adams Ave 60174	630 927. 9756

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 PENNY BRIZZOLARA  
 Notary Public - State of Illinois  
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#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	JANDEA L NELSON	<i>Jandea Nelson</i>	701 Foxfield Ct. St. Chas	6305845954
2	VICTOR A. Cardenas	<i>Victor Cardenas</i>	703 Foxfield Ct. St. Charles	(630)701-8457
3	FRANK STEFFER	<i>Frank Steffer</i>	708 Foxfield Ct Stc	6305139100
4	Roloff Schmitt	<i>Roloff Schmitt</i>	704 FOXFIELD CT	6305737046
5	ABID CHAUDHRY	<i>Abid Chaudhry</i>	702 FOXFIELD CT ST-CHARLES	630-802-2243
6	Diane Courtney	<i>Diane Courtney</i>	3306 FOXFIELD DR ST CHARLES	630-443-7919
7	TERRY MUELLER	<i>Terry Mueller</i>	3101 BLACKHAWK CT. ST. CHARLES	630 945-2576
8	Sharon Mueller	<i>Sharon Mueller</i>	3101 BLACKHAWK CT. ST. CHAS.	SAME
9	John Schukas	<i>John Schukas</i>	3105 Blackhawk Ct St Charles	630-485-0238
10	Andrew Wellman	<i>Andrew Wellman</i>	3106 Blackhawk Ct St Chas	630-513-2759
11	John Sorenson	<i>John Sorenson</i>	3104 BLACKHAWK CT STC	630 584-8308
12	MICHAEL PESSO	<i>Michael Pessio</i>	3102 BLACKHAWK CT, ST. CHARLES	630-790-9731

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

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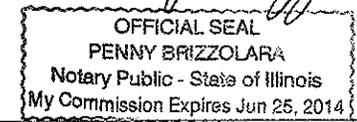
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Signed: Joseph T. March

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	KATHY RAYMOND	<i>Kathy Raymond</i>	218 N. 6 <sup>th</sup> St. 60174	630-377-0437
2	MARSHALL DEFRANK	<i>Marshall DeFrank</i>	224 N. 6 <sup>th</sup> St 60174	630-517-4685
3	CHRIS CURTINO	<i>Chris Curtino</i>	228 N. 6 <sup>th</sup> St 60174	630-638-6836
4	Kellie Curtinis	<i>Kellie Curtinis</i>	208 N 6th St. 60174	630-396-937
5	Tom DeBates	<i>Tom DeBates</i>	310 N. 6 <sup>th</sup> St 60174	630-584-1188
6	SEBASTIAN CRIBARI	<i>Sebastian Cribari</i>	311 N 2nd St	630-544-0627
7	Janet James	<i>Janet James</i>	401 S. 9 <sup>th</sup> St. 60174	630-618-9118
8	MICHAEL JAMES	<i>Michael James</i>	401 S. 9 <sup>th</sup> St 60174	"
9	Joy King	<i>Joy King</i>	401 S. 9 <sup>th</sup> St, 60174	630-377-7823
10	FRANK ANOERSON	<i>Frank Anerson</i>	421 S 9th St 60174	
11	Curt S. Baker	<i>Curt S. Baker</i>	422 S. 9 <sup>th</sup> ST. 60174	—
12	Patricia Baker	<i>Patricia Baker</i>	"	—

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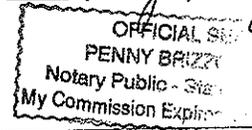
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Signed: Joseph T. Macken

Date: 10-20-12

Notary Witness: Penny Brizzi



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jana Miller	Jana Miller	410 S. 9 <sup>th</sup> St. - Chas	630-777-6824
2	Alex Miller	Alex Miller	410 S 9 <sup>th</sup> St	630-244-5263
3	Frank Carlborg	Frank Carlborg	400 S. 9 <sup>th</sup> ST STC	630 584 1690
4	Todd Karsler	Todd Karsler	411 S 9 <sup>th</sup> ST CTC	847-946-1436
5	Margaret Mulkey	Margaret Mulkey	431 S 9 <sup>th</sup> St St. Ch.	630 377 2637
6	Paul Raymond	Paul Raymond	218 N. 6 <sup>th</sup> St. St. Ch.	630 377-0437
7	Paul Raymond	Paul Raymond	224 N 6 <sup>th</sup> St	630 513-4685
8	Judy Miller	Judy Miller	614 State St.	630-269-3244
9	Kyle Barnes	Kyle Barnes	610 State St.	970-234-0912
10	Misha Steves	MISHA STEVES	308 N 4 <sup>th</sup> ST	630-217-1584
11	Michelle Sanchez	Michelle Sanchez	302 N 9 <sup>th</sup> ST	630-377-3024
12	Sue Sanchez	Sue Sanchez	302 N. 4 <sup>th</sup> ST, ST CHAS	630-377-3024

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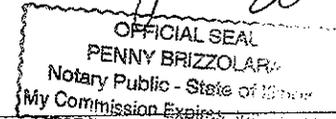
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Signed: Joseph T. Wank

Date: 10-20-12

Notary Witness: Penny Brizzolaro



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Steve Davis	<i>[Signature]</i>	1705 W MAIN ST. CHARLES	630 584 1177
2	CHRIS URBEH	<i>[Signature]</i>	1312 E main st	630 584-2277
3	Heather Knight	<i>[Signature]</i>	610 Cedar St St Charles	630 201-4095
4	Bryan Phelps	<i>[Signature]</i>	21 N 6th Street St. Charles	630 788 6100
5	Monnie Phelps	<i>[Signature]</i>	21 N. 6th street st charles	630 715 6936
6	Martha Phelps	<i>[Signature]</i>	21 N 6th St. St Charles	630-7156935
7	CRAIG KODAKIS	<i>[Signature]</i>	15 N 6th ST ST CHARLES	312 720 4067
8	JASON WARDEN	<i>[Signature]</i>	517 Cedar St. St Charles IL	630-918-8512
9	<del>RACHEL WARDEN</del>	<del><i>[Signature]</i></del>		
10	Rob DeLarche	<i>[Signature]</i>	521 CEDAR ST. ST. CHARLES	630-202-5190
11	Catherine DeLarche	Catherine DeLarche	521 cedar st, st. charles	630 715 9641
12	Rachel Warden	<i>[Signature]</i>	517 Cedar St St Charles	630 335 0661

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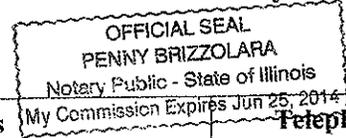
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Signed: Joseph T. March

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	KEITH KRAUTZ	<i>Keith Krautz</i>	1108 W Main St	630-584-4495
2	Scott M. Ansdth	<i>Scott M. Ansdth</i>	914 W Main St.	847-602-4059
3	Jennifer Amundson	<i>J Amundson</i>	500 Cedar St. STZ	630 584 9949
4	Dr. Carmen Morales	<i>Dr. Carmen Morales</i>	408 Cedar St	630-338-8250
5	CAROL MEITH	<i>Carol Meith</i>	17 N. 5th Street etc	630-584-3643
6	STEVE ADKINSON	<i>Steve Adkinson</i>	1312 E. MAIN ST.	630-584-2277
7	DENNIS BOYLE	<i>Dennis Boyle</i>	311 N. Oak St.	620-443-1531
8	Marla Morris	<i>Marla Morris</i>	520 N 5th St.	615 751 0761
9	John Carren	<i>John Carren</i>	316 N 5th St.	630 650 5157
10	Brian K. Hawk	<i>Brian K Hawk</i>	515 STATE	847-691-0352
11	Cheryl Hummel	<i>Cheryl Hummel</i>	523 W State St.	630 945 8804
12	Shirley Christanson	<i>Shirley Christanson</i>	523 W State	" " "

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Signed: Joseph T. Frank

Date: 11-20-12

Notary Witness: Penny Brizzolara

OFFICIAL SEAL  
PENNY BRIZZOLARA  
Notary Public - State of Illinois  
My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	DOUNA J. NELSON	<u>Donna J. Nelson</u>	<u>212 N. 5th St</u>	<u>630 587-2345</u>
2	<u>W. Nettek</u>	<u>[Signature]</u>	<u>222 N. 5th St</u>	<u>630-699-9196</u>
3	Nicole Manisco	<u>[Signature]</u>	<u>222 N. 5th St.</u>	<u>630-440-3218</u>
4	<u>J. Swanson</u>	<u>H. SWANSON</u>	<u>215 W 5th</u>	<u>5846625</u>
5	Michael Boeska	<u>Michael Boeska</u>	<u>303 N. 2nd St.</u>	<u>630-513-5484</u>
6	Gwen Kamps	<u>G.L. -</u>	<u>303 N. 2nd St</u>	<u>630 587-0745</u>
7	<u>Olivia Arceri</u>	<u>Olivia Arceri</u>	<u>309 N. 2nd St.</u>	<u>630-444-1402</u>
8	Phyllis Fischer	<u>Phyllis Fischer</u>	<u>311 N. 2nd St</u>	<u>630 377 1306</u>
9	Sue Schroyer	<u>Sue Schroyer</u>	<u>311 N. 2nd St</u>	<u>630-377-1306</u>
10	Stacy Kellogg	<u>Stacy Kellogg</u>	<u>311 N 2nd St</u>	<u>630-513-5533</u>
11	Wondae Chee	<u>Wondae Chee</u>	<u>311 N. 2nd St.</u>	<u>630-397-5554</u>
12	<u>J. Espinosa</u>	<u>N. ESPINOSA</u>	<u>303 N. 4th St</u>	<u>630-584-5100</u>

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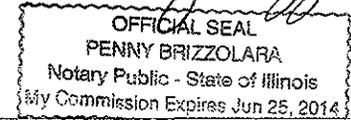
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Signed: Joseph T. Mackel

Date: 10-20-12

Notary Witness:

Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	ERIC SCHWENDNER	<u>Eric Schwendner</u>	615 CEDAR ST. ST. CHARLES	630-584-4352
2	Emily Schwendner	<u>Emily Schwendner</u>	615 Cedar Street St. Charles	630-584-4352
3	ALEX Phelps	<u>Alex Phelps</u>	21 N 6 <sup>th</sup> St.	630-464-415
4	Jerry Ellis	<u>J. Ellis</u>	713 Prairie St	630-205-1360
5	Vicente Fernandez	<u>Vicente Fernandez</u>	1072 MAIN ST. ST. CHARLES	630-584-3827
6	Shirley Fulbright	<u>Shirley Fulbright</u>	300 N. 5th ST Charles	630-584-6870
7	Eugene E. Emsw	<u>Eugene E. Emsw</u>	887 N 5 <sup>th</sup> St - St Charles	630-584-6867
8	Kimberly Malay	<u>Kimberly Malay</u>	526 S 10 <sup>th</sup> St. St Charles	630-587-1529
9	CHRIS ROXWORTH	<u>Chris Roxworth</u>	537 S. 14 <sup>th</sup> St - St Charles	630-945-3265
10	John M. Griffith	<u>JOHN M. GRIFFITH</u>	1020 KENOE DR.	630-377-9128
11	JULIE GRIFFITH	<u>Julie G. Griffith</u>	1020 Kenoe Dr	630-377-9128
12	DONNA NASON	<u>Donna Nason</u>	629 Katherine St	630-399-5466

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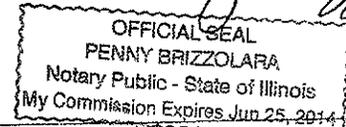
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Signed: Joseph T. March

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	JARED HOWE	<i>Jared Howe</i>	718 Prairie Street	708.548.7220
2	JIM EVANS	<i>Jim Evans</i>	1312 East main	630-885-7541
3	Ed. GLEAMER	<i>Ed. Gleamer</i>	465 W MAIN	630-584 7278
4	JOE MEO	<i>Joe Meo</i>	520 State Ave St. Charles	630-584-8468
5	MARY ANN TILTON	<i>Mary Ann Tilton</i>	511 S. 7th St. STC 60174	630-584-6091
6	Valerie Honey	<i>Valerie Honey</i>	718 Prairie St St. Charles	630-787-5175
7	Brighan	<i>Brighan</i>	713 Prairie St	630 513 9465
8	Harold & Hallin	<i>Harold Hallin</i>	715 Prairie St.	" 584-4684
9	Carol Hallin	<i>Carol Hallin</i>	715 Prairie St. St. Ch.	630-584-4684
10	Robert Giambonato	<i>Robert Giambonato</i>	1002 W MAIN St. St. Ch.	630-377-5467
11	Nicolas Rohrer	<i>Nicolas Rohrer</i>	1002 W MAIN ST ST Charles	331 201 2104
12	ROBERT LOPEZ	<i>Robert Lopez</i>	132 main St. St. Charles	630-621-3242

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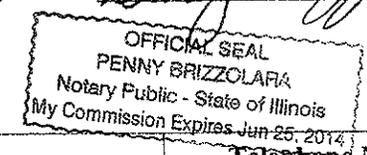
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Signed: *Joseph T. March*

Date: 6/27/2-

Notary Witness: *Danny Brizzolara*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	William Tan	<i>William Tan</i>	517 S. 7th St. St. Charles	630-393-0505
2	Kathy Chapski	<i>Kathy Chapski</i>	717 54th St St Charles, Mo	630-584-0900
3	Diana Langner	<i>Diana Langner</i>	502 W Main St, St. C.	630-577-7225
4	Reggie Smith	<i>Reggie Smith</i>	319 S. 7th St. St. C.	630-513-6414
5	Diane Ferriss	<i>Diane Ferriss</i>	306 S. 7th St. St. Charles	630-624-1960
6	Herchel F. Carey	<i>Herchel F. Carey</i>	825 Indiana St St Charles	630-715-4934
7	Chris Farwell	<i>Chris Farwell</i>	315 S. 8th St. St. Charles	630-945-3107
8	Dawn Goldman	<i>Dawn Goldman</i>	315 S. 8th St. St. Charles	630-945-3107
9	Mary Kerr	<i>Mary Kerr</i>	325 So 8th St. St. C.	630-584-3671
10	Francis Murphy	<i>Francis Murphy</i>	725 Oak St. St. C.	630-584-1523
11	Peter Kosinog	<i>Peter Kosinog</i>	415 8th St St Ch Ill	630-549-0295
12	Catherine Koutselas	<i>Catherine Koutselas</i>	807 Oak St. St. C.	

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Date: 10-20-12

Notary Witness:

Penny Brizzolara  
OFFICIAL SEAL  
PENNY BRIZZOLARA  
Notary Public - State of Illinois  
My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Fred Mosier	<u>[Signature]</u>	423 S. 7 <sup>th</sup> St. St. Chrl 60174	630 513-1163
2	Jill Weaver	<u>[Signature]</u>	506 S. 7 <sup>th</sup> St - St Charles	630 444 1362
3	CHRIS HASTINGS	<u>[Signature]</u>	501 S. 7 <sup>th</sup> St. - Carter, IL	630-945-3290
4	TODD KANO	<u>[Signature]</u>	424 S. 7 <sup>th</sup> St. CHARLES IL	630 217 5442
5	KRISTIN KANO	K. Kano	424 S. 7 <sup>th</sup> St., St. Charles, IL	630-217-5442
6	Oneida Carrera	<u>[Signature]</u>	514 W Main St	630-584-1026
7	BOB MEITZ	<u>[Signature]</u>	17 N. 5 <sup>th</sup> St	630-921-2165
8	BAYARKHUU.D	<u>[Signature]</u>	<del>405 S 7th St</del> St Charles, IL 60174	630-549- 0178
9	Fred Brown	<u>[Signature]</u>	517 S. 7 <sup>th</sup> St.	630-803-8011
10	CHRIS HOFFMAN	<u>[Signature]</u>	418 S. 7 <sup>th</sup> St	630 248 0074
11	Mike Scott	<u>[Signature]</u>	337 S. 8 <sup>th</sup> street	630-337-0074
12	Chris Scott	<u>[Signature]</u>	337 S. 8 <sup>th</sup> Street	630-337-0078

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

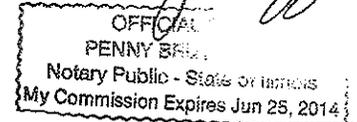
- Whereas the property referred to herein is the old Applied Composites Site which is located from the Union Pacific Railroad tracks and parcels to the south, between 12<sup>th</sup> St. to the west and 5<sup>th</sup> St. to the east. The boundary extends to just north of Dean Street and State Street, and
- Whereas the property is currently zoned M-1 Special Manufacturing, and is requesting rezoning to RT-3 Traditional Single Family Residential and RM-2 Medium Density Residential with a Special Use as a Planned Unit Development (PUD), and
- Whereas the current owner/developer of the property and proposed development is requesting variances to the City and Zoning Ordinances including but not limited to the use lesser quality building materials, smaller lot sizes and higher density than the surrounding properties, and
- Whereas the current owner/developer of the property has requested \$4.96M in taxpayer-funded assistance through the establishment of a Tax Increment Financing (TIF) district, and
- Whereas there has been significant resident opposition to the design of the proposed development by residents and stakeholders of the City,

We therefore direct our elected and appointed representatives of our City Council deny the developer's request for taxpayer-funded assistance via the proposed TIF district.

I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.  
Signed: Joseph T. Marsh

Date: 10-20-12

Notary Witness: Penny Biggs



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	BETTY MASIOKAS	Betty Masiokas	23 N. 7th St. ST. CHARLES	1-630-584-8965
2	DONNA NASON	Donna Nason	629 Katherine St SC	1630-377-5466
3	Nancy Norgaard	Nancy Norgaard	1214 S. 6th SC	630 377-1886
4	LARRY NORGARD	Larry Norgaard	1214 S. 6th St. SC.	630-377-1886
5	Bob Crowe	Bob Crowe	924 S. 4th St.	630-584-1721
6	BILL RYAN	Bill Ryan	510 S 14th St STC	630-584-5895
7	CRAIG BOBOWEE	Craig Bobowee	506 Cedar St STC 60174	630-377-6835
8	KAREN KEHL-ROSE	Karen Kehl-Rose	621 Cedar St. 60174	630 377 0645
9	BARRY A. ROSE	Barry Rose	" " " "	" "
10	Carla Schwendner	Carla Schwendner	615 Cedar St. 60174	630/584-4352
11	Larry Kuhl	Larry Kuhl	612 W MAIN ST 60174	630 513 3075
12	Roger Kehl	Roger Kehl	612 W MAIN ST 60174	630-513-3075

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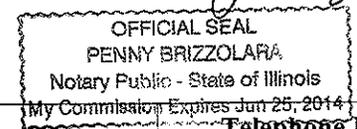
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Signed: *Joseph T. Maich*

Date: 10-20-12

Notary Witness: *Penny Brizzolara*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	DAVID AMUNDSON	<i>[Signature]</i>	500 CEDAR ST., STC, IL 60174	630.584.9949
2	Karla DeBrayne	<i>[Signature]</i>	42 N 12 <sup>th</sup> ST STC, IL 60174	630957-7339
3	ED DEBrayne	<i>[Signature]</i>	103 W MAIN ST #2E ST CHARLES IL 60174	630-377-7799
4	Aca Keffel	<i>[Signature]</i>	1014 & 2nd St. St. Charles, IL	630-444-0077
5	Janet Heavn	<i>[Signature]</i>	513 S. 14th ST STC IL	630-460-1000
6	Dawn Vance	<i>[Signature]</i>	1014 BARRY Geneva IL	630-232-7369
7	Heather Lutz	<i>[Signature]</i>	19 Willemsen Ct S Elgin IL	847-6976549
8	Kim Passini	<i>[Signature]</i>	7 Oakview Ct. S. Elgin IL	847-622-1915
9	Joseph MASIOTTAS	<i>[Signature]</i>	23 North 7th St. St. Charles	630-377-1991
10	Amanda VanderHarden	<i>[Signature]</i>	115 N. 7th St. STC	630-377-0073
11	MARIO VANDERHARDEN	<i>[Signature]</i>	115 N. 7th St. STC	630 377-0073
12	Jessica Aulbert	<i>[Signature]</i>	301 W. MAIN ST. STC.	630-377-7799

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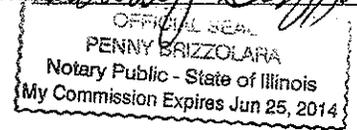
We therefore direct our elected and appointed representatives of our City Council deny the developer's request for taxpayer-funded assistance via the proposed TIF district.

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Signed: Joseph T. Mesick

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	John Peloso	[Signature]	606 CEDAR ST	(630) 584 9325
2	Sean Genon	[Signature]	15 1/2 7th Street	630 <del>630</del> 0108
3	LYNNE KALLEY Lynne Kalley	Lynne Kalley	510 Longmeadow Cir	630 - 377-2531
4	Eugene KALLEY	Eugene Kalley	510 Longmeadow Cir	630-377-2531
5	PATRICK A. ROSSI, Sr.	Patrick A. Rossi, Sr.	200 N 2ND ST. Apt. #409	(630) 584-0076
6	Julie Fygin	Julie Fygin	109 N 7th St.	630-664-7481
7	Barb Penzato	Barb Penzato	123 N 6th St	630-675-9171
8	Kevin Penzato	[Signature]	123 N 6th St	630-768-1909
9	Mike Weber	[Signature]	12 N 6th St.	630-802-5136
10	D.S.	D. Snyder	237 5th 19th St	615-797-3550
11	JAMIE SNYDER	[Signature]	"	"
12	Heather O'Brien	Heather O'Brien	514 Cedar St	630-669-1408

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

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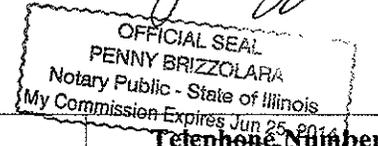
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Signed: *[Signature]*

Date: *10-20-12*

Notary Witness: *[Signature]*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Dan O'Brien	<i>[Signature]</i>	514 Cedar St	630 669 1400
2	Karen Okicich	<i>[Signature]</i>	520 State St.	312 420 9912
3	Marc Okicich	<i>[Signature]</i>	520 State St	630 408 6374
4	Yobana Carrera	<i>[Signature]</i>	1748 Cumberland Green	630 479 0613
5	Ofelia Marin	<i>[Signature]</i>	514 W MAIN ST	630-675-1885
6	JAE CARREDA	<i>[Signature]</i>	514 W MAIN ST	630 675-1885
7	Jim Oreck	<i>[Signature]</i>	115 N. 6 <sup>th</sup> St	630 432 9072
8	Tarina Bench	<i>[Signature]</i>	19 N. 7 <sup>th</sup> St	928-814-0108
9	Karl Mederbeck	<i>[Signature]</i>	121 N 7 <sup>th</sup> ST	630-377-9076
10	ROBERT Johnson	<i>[Signature]</i>	316 Cedar St	630-584-1571
11	R. JOHNSON	<i>[Signature]</i>	322 Cedar St	630-202-0710
12	Coelyn Hayes	<i>[Signature]</i>	115 N. 4 <sup>th</sup> St, 60174	630-338-8240

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

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Signed: Jenny T. Pizzola

Date: 10-20-12

Notary Witness: Penny Brizzolara

OFFICIAL SEAL  
PENNY BRIZZOLARA  
Notary Public - State of Illinois  
My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	LARISSA BOBAUER	<u>[Signature]</u>	508 Center Street + Ste 1 lkbobauer@comcast.net	630 301 2075
2	Cathleen Shili	<u>[Signature]</u>	820 OAK ST.	630 849 8120
3	Deann P Cuff	<u>[Signature]</u>	328 9 <sup>th</sup> St	630 513 6478
4	Jennifer Wiederholte	<u>[Signature]</u>	900 OAK ST.	(414) 491-3957
5	Pat Stacey	<u>[Signature]</u>	415 S. 10 <sup>th</sup> St.	630-377-7990
6	JIM LOTARSKI	<u>[Signature]</u>	809 INDIANA ST.	630-443-1277
7	KIM LOTARSKI	<u>[Signature]</u>	809 Indiana St.	630 443 1277
8	DAVE SCHULTZE	<u>[Signature]</u>	709 INDIANA ST.	630-584-6422
9	MICHELE SCHULTZE	<u>[Signature]</u>	709 INDIANA ST	630 584 6422
10	JAN SMARLER	<u>[Signature]</u>	703 INDIANA ST	618 820 9988
11	Joyce Foley	<u>[Signature]</u>	329 S. 7 <sup>th</sup> Street	630-584-0765
12	STEVE SWANSON	<u>[Signature]</u>	517 S. 7 <sup>th</sup> Street	630-377-9702

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

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Signed: Janet T. [Signature]

Date: 10-20-12

Notary Witness [Signature]  
 OFFICIAL SEAL  
 PENNY BRIZZOLARA  
 Notary Public - State of Illinois  
 My Commission Expires Jun 25, 2014

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	RONALD RUDNICK	<u>[Signature]</u>	620 STATE ST. ST. CHARLES	630-513-9258
2	PHILIP E WILLMAN JR	<u>[Signature]</u>	203 N 7th St STC	630-584-2992
3	Phil willman	<u>[Signature]</u>	203 N. 7th St. STC.	(630) 584-2992
4	Rene Madcutt	<u>[Signature]</u>	211 N. 7th St STC	(630) 564-5007
5	RICHARD LINDEMANN	<u>[Signature]</u>	219 N 7th St. STC.	(630) 330-1869
6	Sandy Sherwood	<u>[Signature]</u>	218 State St. Charles	630-506-3224
7	Sally Swanson	<u>[Signature]</u>	308 W. State St., St. Charles	630-584-0077
8	Jim Branscum	<u>[Signature]</u>	209 N. 5th St St. Charles	630-584-5993
9	Yasuko Willman	<u>[Signature]</u>	203 N 7th St St. Charles	584-2992
10	Jim DeBates	<u>[Signature]</u>	310 N. 6th St. STC.	584-1188
11	John DeBates	<u>[Signature]</u>	310 N. 6th St. STC	584-1188
12	Wendy Dorris	<u>[Signature]</u>	320 N. 6th Street STC	584-7908

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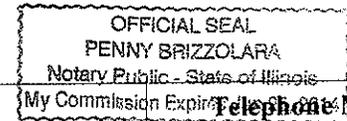
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Signed: Joseph T. Moran

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Debbie Schollmeyer	<u>Debbie Schollmeyer</u>	320 N. 6th St. St. Charles, IL	630-584-7908
2	Patricia Schubert	<u>Patricia Schubert</u>	320 N 6th St St Charles 35 W 510 Park Ave St Charles IL	630-803-3065
3	NANCY C. LEE	<u>Nancy C. Lee</u>	320 N 4th Street St Charles 908 Ascot Dr. Berlin IL 60123	
4	Rebecca Tisch	<u>Rebecca Tisch</u>	320 N 6th St St Charles IL	630-584-7908
5	Bob Johnson	<u>Robert D Johnson</u>	320 N. 6th St St. Charles IL	630-584-7908
6	Seth Deluna	<u>Seth Deluna</u>	320 N 6th St St Charles IL	630-584-7908
7	Beth Nelson	<u>Beth Nelson</u>	223 N. 5th St. St. Charles IL	630-587-0141
8	Julius P Ewors Jr	<u>Julius P Ewors Jr</u>	221 North 5th St ST CHARLES	1-630-584 6867
9	David Ramirez	<u>David Ramirez</u>	214 North 5th St St. Charles	1630 817 1853
10	David Blankenship	<u>David Blankenship</u>	318 N 4th St St. Charles	630 584 2029
11	DOUGLAS WILSON	<u>Douglas Wilson</u>	220 N 4th St. ST. CHARLES	630 584 4100
12	SHERYL A. VICKERY	<u>Sheryl A Vickery</u>	218 N 4TH ST. ST. CHARLES	630 584 4100

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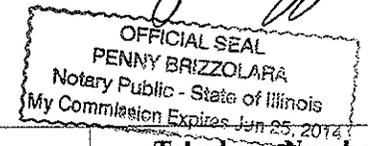
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Signed: Joseph T. Karch

Date: 10-20-12

Notary Witness: Penny Brizzolara



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	MICHAEL MURRAY	<u>[Signature]</u>	820 N. 6TH STREET, ST. CHARLES	630-584-7908
2	Gina Pearson	<u>[Signature]</u>	320 N 6th St St Charles	630-774-5093
3	Dennis Joynt	<u>[Signature]</u>	317 N. 5th St. STC	630-443-7262
4	Jamie Veyette	<u>[Signature]</u>	203 N. 5th Street St Charles	630 888-5249
5	Ellie McLoone	<u>[Signature]</u>	310 N 5th Street St Charles	630-383-8758
6	Claire Morton	<u>[Signature]</u>	315 N 5th STREET STC	630 806 9829
7	Salomon Calderon	<u>[Signature]</u>	211 N. 4th Street STC	630 220-1949
8	Sharon Janus	<u>[Signature]</u>	609 State St.	630-377-9047
9	Bonifacio	<u>[Signature]</u>	221 N. 6th St, STC	630-594-2279
10	Anna Burkhus	<u>[Signature]</u>	211 N. 6th St STC	630-408-4154
11	Robert	<u>[Signature]</u>	615 STATE ST	630 5848440
12	Bruce Janus	<u>[Signature]</u>	609 State St 60174	630-263-9048

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Signed: Lauren Pettis

Date: 10.27.12

Notary Witness: Diane M. McCracken  
**OFFICIAL SEAL**  
**DIANE M MCCRACKEN**  
 Notary Public - State of Illinois  
 My Commission Expires Oct 1, 2015

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	GREGORY W SWEDBERG	<i>[Signature]</i>	1227 DEAN ST.	630/584-0541
2	DONNA HARRIS	<i>[Signature]</i>	1809 HOWARD ST ST. C.	630-377-1669
3	Jewell Williams	<i>[Signature]</i>	1809 HOWARD ST. ST. CHARLES	630-377-1669
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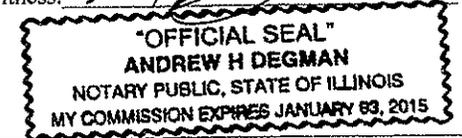
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I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.  
Signed: Joseph M. M... [Signature]

Date: 11/18/12

Notary Witness: [Signature]



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jane Shelton	[Signature]	1035 S. 6 <sup>th</sup> St. 60174	630-584-7055
2	Penny Bizzolara	[Signature]	280 So 19 <sup>th</sup> St 60174	630-513-4923
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8				
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10				
11				
12				

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Signed: Lauren D. M.A.

Date: 10.22.12

Notary Witness: Diene M. Cracken  
**OFFICIAL SEAL**  
**DIANE M MCCRACKEN**  
 Notary Public - State of Illinois  
 My Commission Expires Oct 1, 2015

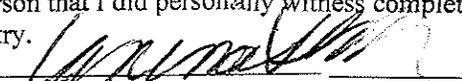
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	BERNARD W. BROGEMAN	<i>Bernard Brogeman</i>	1231 DEAN ST	630-584-4627
2	Rob Smith	<i>Rob Smith</i>	1308 Dean St	630-842-8396
3	John Beson	<i>John Beson</i>	1223 DEAN ST.	630-762-1729
4	Rick Balluff	<i>Rick Balluff</i>	1332 DEAN ST.	630 584-0340
5	Bonnie Helm	<i>Bonnie Helm</i>	1332 DEAN ST.	630-584-0340
6	Dan Miller	<i>Dan Miller</i>	1233 DEAN ST.	630-377-2037
7	JIM MILLER	<i>Jim Miller</i>	1233 DEAN ST	630-377-2037
8	<del>John DePina</del>	<del><i>John DePina</i></del>		
9	John DePina	<i>John DePina</i>	1328 DEAN ST.	630 945 3013
10	Lauren D. M.A.	<i>Lauren D. M.A.</i>	1328 DEAN ST	630 945 3013
11	RICHARD ROMANO	<i>Richard Romano</i>	1320 DEAN ST - SACIL 60174	N/A
12	Peter De Potter Jr.	<i>Peter De Potter Jr.</i>	1304 DEAN ST. SAC. 60174	630-584-0407

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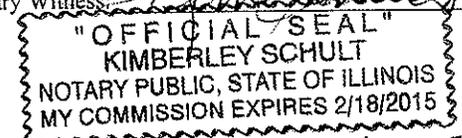
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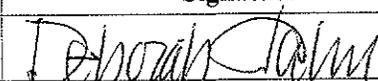
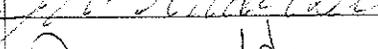
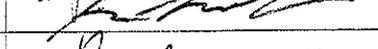
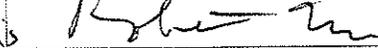
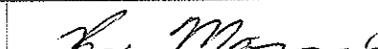
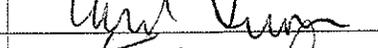
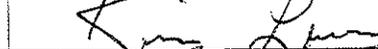
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Signed: 

Date: 10-17-12

Notary Witness: 



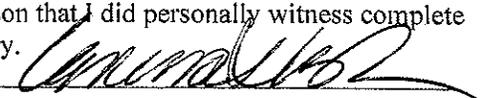
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	DEBORAH JAHN		7 Oaks Forest 40 MURRAY JAHN 35 E. WACKER DR. CHICAGO, IL 60601	773-218-7300
2	RITA APTED		1429 S. 7TH ST ST CHARLES, IL	662-473-9461
3	Chia Anderson		6N425 PESSON AVE ST. CHARLES WORKS AT 300 S. 2ND ST. ST. CHARLES	630-762-1190
4	Jill Anderson		same	630-762-1190
5	Jane Hearn		513 S. 14th ST STC	630 377 6427
6	Brian Loconsote		1431 potomac at St Charles IL	630-244-4077
7	Robert Morris		3123 Raphael Court STC	—
8	Bruce Morris		3123 Raphael Ct. STC	—
9	Carol Luoma		1842 Chandler Ave STC	—
10	Kim Luoma		1842 Chandler Ave. ST.C.	—
11	Winter Kwarin		Elm Valley WIS STC	—
12	Diana Topalski		WORKS AT ST. CHARLES AT 300 N. 2ND ST 396 555 Elm St. ST. CHARLES	—

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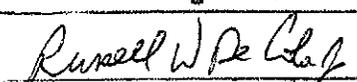
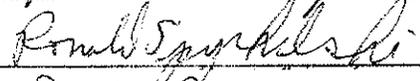
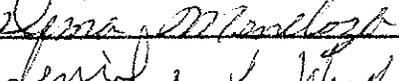
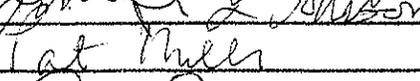
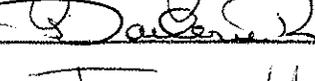
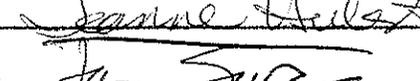
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Signed: 

Date: 10/17/12

Notary Witness   
 "OFFICIAL SEAL"  
 KIMBERLEY SCHULT  
 NOTARY PUBLIC, STATE OF ILLINOIS  
 MY COMMISSION EXPIRES 2/18/2015

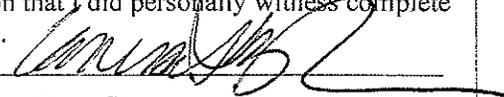
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	RUSSELL DECOLA		WORDS IN ST. CHARLES AT 3500 N. RANDOLPH 41542 HIGH MEADOW RD STC IL 60175	587-8801
2	Ron SPYCHALSKI		214 Chase E. ST. CHARLES IL 60174	352-5508
3	Darryl Bamonte		6231 Ast SL ST. CHS, IL 60174	650-437-1919
4	Irma Mendoza		1613 Evergreen st st charles	331-588-0021
5	Jennifer Johnson		177 1/2 40 Cumberland green dr STC IL	677-5366
6	Kat Miller		1770 Cumberland Av. Dr. # 240 STC IL	677-6736
7	Leon Casita		160 Howard St. STC IL 60174	582-4529
8	Darlene Riebe		809 W 5 <sup>th</sup> Ave, StC 60174	630-377-1072
9	Jeanne Hulst		119 Lewis Ct. Stc, IL 60174	630-443-8846
10	Jan Swanson		1715 Howard St. St. CHS IL 60174	630-564-7933
11	Greg Hulst		119 Lewis Ct St. CHS, IL 60174	630-443-5346
12	Nancy Neaton		3807 Chesapeake Rd. StChs IL 60174	630-377-0779

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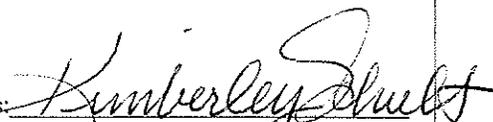
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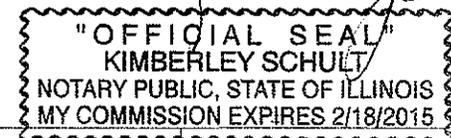
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Date: 10-17-12

Notary Witness: 



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jean Potempa	Laura Potempa	501 Millington Way Ste 1C <sup>600174</sup>	630-659-5586
2	John Arrichiello	John Arrichiello	21 _____ St. Charles <sup>60011</sup>	331-225-9151
3	SHARON O'LEARY	Sharon O'Leary	114 Carroll Rd, St. Charles <sup>60074</sup>	630-584-9435
4	Bridget Nowak	Bridget Nowak	413 Millington Way Ste 1C <sup>600174</sup>	630-377-5310
5	Ann@Bike	Ann@Bike	406 Millington Way <sup>600174</sup>	630-579-0286
6	CESIRA BONIN	Cesira Bonin	317 Grand Ridge, St. Chs	—
7	Laura Bonin	Laura Bonin	317 Grand Ridge St Chs	—
8	Anna Zaluski	Anna Zaluski	41 W 518 E. Woodland Dr <sup>St. Charles, 60017</sup>	-
9	Anna Zaluski	Anna Zaluski	<del>317</del> weeks in St. Charles at 222 W Main St.	—
10	Marilynn Swanson	Marilynn Swanson	1715 Howard St, St. Charles	630-584-3933
11	Sonya Sule	Sonya Sule	466 N. 16th St #7, St. Charles	—
12	Mike Gulotta	Mike Gulotta	902 Manley Rd, St. Charles	630 728-3828

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Signed: [Signature]

Date: 10-17-12

Notary Witness: [Signature]  
 "OFFIC KIMBER NOTARY PUBLIC MY COMM. RES 2011 015"

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	EDWARD NOWAK	[Signature]	813 MANLEY RD. ST. CHARLES	630 587-4374
2	Jennifer Aarimura	[Signature]	801 Manley Rd St Charles	630 587-1086
3	Jennifer Mabley	[Signature]	721 Manley Rd St. Charles	630-513-1147
4	Erica McAtcheon	[Signature]	709 Manley Rd. St. Charles	815.600.1972
5	Cheryl Fullmer	[Signature]	705 Manley Rd. St Charles	630.377.2960
6	Shirley Fay	[Signature]	1020 Howard St Charles	
7	KRIS OTTO	[Signature]	work: FEDX - 615 S. Randall Rd, St. Charles, IL 60114 (131 N HARRISON ST. IL)	630 698-2868
8	LEE WOLF	[Signature]	1001 Howard St. StC	630-800-0771
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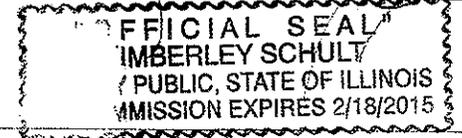
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Signed: *Kimberley Schult*

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Notary Witness: *Kimberley Schult*



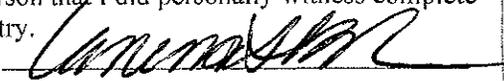
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jennifer Salmieri	<i>Jennifer Salmieri</i>	238 Fairview Dr. St. Charles, IL 60174	(630) 421-0136
2	Joe Salmieri	<i>Joe Salmieri</i>	238 Fairview Dr. St. Charles, IL 60174	(630) 373-0267
3	Daniel Wirtmann	<i>Daniel Wirtmann</i>	136 Fairview Dr St Charles IL 60174	630 443 4402
4	<del>Richard Wirtmann</del>	<del><i>Richard Wirtmann</i></del>	<del>124 FAIRVIEW DR ST CHARLES IL 60174</del>	<del>630-557-6470</del>
5	Jill Carter	<i>Jill Carter</i>	113 Fairview Dr. St. Charles IL 60174	630-377-3864
6	MARLES JAMES	<i>Marybelle James</i>	209 FAIRVIEW DR ST CHARLES IL 60174	630-557-3218
7	MARYBELLE JAMES	<i>Marybelle James</i>	215 Fairview Dr S.C.	60174
8	Kathryn Butz	<i>Kathryn Butz</i>	227 Fairview Dr. St. Charles	60174
9	Diane Liedtke	<i>Diane Liedtke</i>	245 Fairview Dr. St. Charis.	60174
10	Pat Liedtke	<i>Pat Liedtke</i>	245 Fairview Dr. St. Charles	60174
11	Catherine Grzywa	<i>Catherine Grzywa</i>	2010 Oak St St Charles	60174
12			2010 OAK ST	60174

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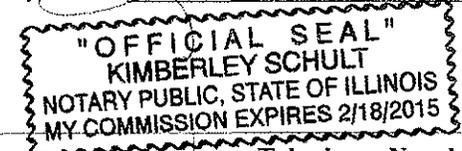
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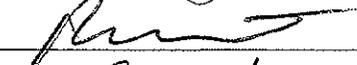
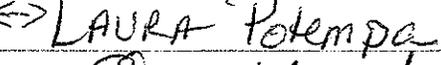
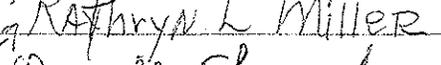
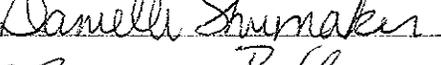
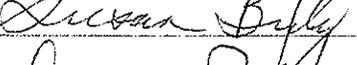
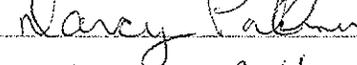
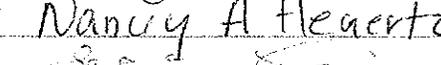
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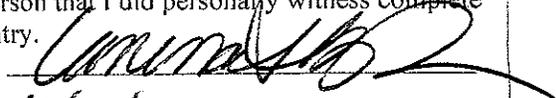
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	P.A. PROCTOR		219 S 18 <sup>th</sup> St St. Chs. 60174	630-443-1550
2	Heather Walsh		232 S. 18 <sup>th</sup> St. St. Chs. 60174	630-586-2771
3	Rajala Yvonne		121 S. 4 <sup>th</sup> St St. Chs. 60174	630-819-9129
4	MIKE MENKAS		1713 HOWARD ST ST. CHS. 60174	—
5	J. Blompe → LAURA Potempa		501 Millington Way St. Chs. 60174	630-659-5586
6	Chris Menkas		1718 Howard St St. Chs. 60174	—
7	Kathryn L Miller		1500 S. 14th St. St. Charles, IL 60174	630-584-1547
8	Danielle Shumaker		400 Gray St., St. Charles, IL 60174	630-584-7867
9	SUSAN Bixby		1239 S. 13 <sup>th</sup> St St. Charles IL 60174	630-400-1909
10	Darcy Palmer		1212 S. 12 <sup>th</sup> St St. Charles 60174	630-584-7707
11	Nancy A Heuert		The Suds Spa Business - St. Charles 423 Griswold St Elgin IL 60120	630-584-7837
12	COLE WADEN		1913 CAMBRIDGE DR ST CHARLES IL 60174	2243928549

We, the undersigned residents and stakeholders of Saint Charles, Illinois petition our elected and appointed representatives of our City Council to take heed:

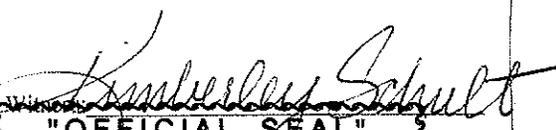
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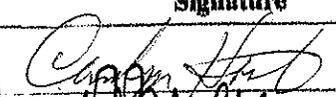
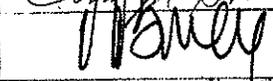
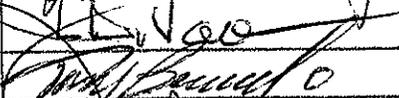
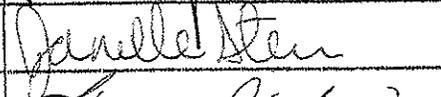
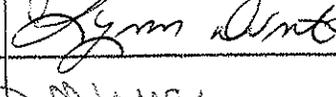
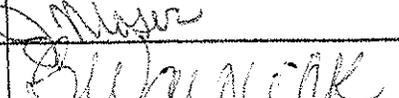
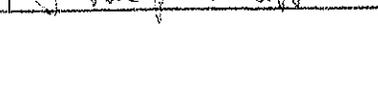
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I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.

Signed: 

Date: 10/17/12

Notary Public   
**"OFFICIAL SEAL"**  
**KIMBERLEY SCHULT**  
 NOTARY PUBLIC, STATE OF ILLINOIS  
 MY COMMISSION EXPIRES 2/18/2015

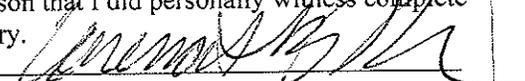
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	CAROLYN HOOTEN		1228 Home St St Chas	630 584-4218
2	ROGER A. BURRELL		283 BRECH CN. S. CHAS	630-513-0014
3	MARISELA INOCONCIO		421 S. 4th St St Charles	630 774-0151
4	WM. WESTERING III		822 KING HENRY LN. ST CHARLES	630-587-6410
5	JERRY L. DOVAL		702 KING HENRY LN STC	630-587-3412
6	TINY BERNARDO		704 KING HENRY LN STC	630-587-0843
7	MARIE BERNARDO		704 KING HENRY LN STC	630-587-0843
8	JANELLE STERN		49971 Cranek Rd - St Ch.	630-258-4225
9	LYNN ANTON		514 Valley View Dr. St Charles	630-377 0315
10	JAYCE MOSER		015 S. 4th St. St. Charles 6074	630-584-0076
11	SUSAN WAYNICK		202 Fairview St 6074	630 587 6932
12	JOHN WAYNICK		202 Fairview ST CHARLES	630-587-6932

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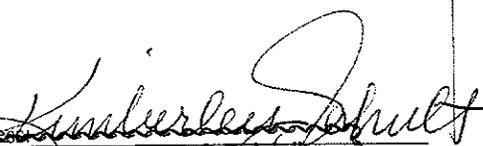
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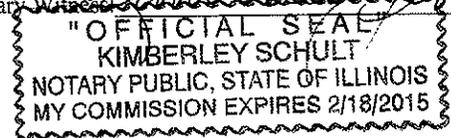
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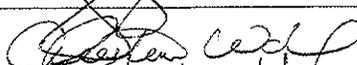
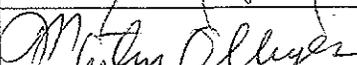
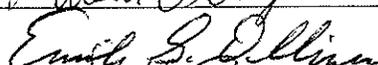
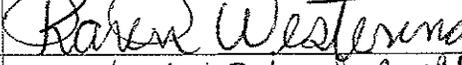
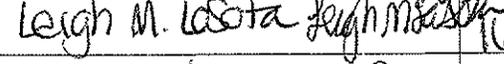
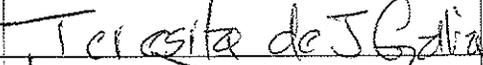
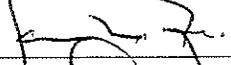
I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.

Signed: 

Date: 10-17-12

Notary Witness: 



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jean Smith		340 S. 15 <sup>th</sup> St. STC 60174	773) 899-2888
2	CHRISTINE WOLF		1602 HOWARD ST STC 60174	630) 800-0771
3	Tim A Wolf		1602 HOWARD STC	630) 341-7877
4	MARTIN OLLIGES		1202 POMEROY CT STC	630 742-4288
5	EMILY OLLIGES		1907 POMEROY COURT STCHAS 60174	630) 742-0428
6	Vanessa Bell-Lasota		1610 Howard St STC 60174	630-587-4379
7	LEON LASOTA		1610 Howard St STC 60174	" " "
8	KAREN WESTERING		822 King Henry Ave STC IL 60174	630-587-6410
9	Leigh Lasota		1610 Howard Street, St. Charles, IL 60174	630-797-6839
10	Teresita de Jesus		1811 Walnut St	630 345-0999
11	James M. Forzi		219 S. 15 <sup>th</sup> St	630 918 1511
12	LISA MARKS		243 S. 15 <sup>th</sup> St. St.	(630) 853-7805

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Signed: *Diane M. McCracken*

Date: 8-8-12

Notary Public: *Diane M. McCracken*  
**OFFICIAL SEAL**  
**DIANE M MCCRACKEN**  
 Notary Public - State of Illinois  
 My Commission Expires Oct 1, 2015

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	JOSEPH REHAK	<i>[Signature]</i>	514 S. 5 <sup>th</sup> AVE STC	630-333-3195
2	Michael Drew	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St. ST.C	630 815 7670
3	Eric Karl	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St ST. Charles	630 584-7616
4	Anne Masinick	<i>[Signature]</i>	625 N. 12 <sup>th</sup> Street St. Charles <small>WORK ADDRESS</small>	630 584-7616
5	TANYA RAMSEY	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St. St. Charles	630 584-7616
6	JAMES L OWENS	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St ST. Charles	630 584 7616
7	Eric Purdy	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St. ST. CHARLES	630-584-7616
8	DOUG SCATTERDAY	<i>[Signature]</i>	625 N. 12 <sup>th</sup> St. ST. CHARLES	630-584-7616
9	Don Vanceura	<i>[Signature]</i>	625 n. 12 <sup>th</sup> St. Saint Charles	630 584-7616
10	James O Neidel	<i>[Signature]</i>	105 Nth 7 <sup>th</sup> St ST Charles 6-174	630-660-5303
11	James Neidel	<i>[Signature]</i>	105 Nth 7 <sup>th</sup> St ST Charles 6-174	630-301-4844
12	Kelly A. Neidel	<i>[Signature]</i>	105 N. 7 <sup>th</sup> St. St. Charles, IL	630-660-1440

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Signed: Larry Ballant

Date: 8-24-12



Notary Witness:

Rahul Bevis

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Mark Gool	<u>[Signature]</u>	1001 DEAN ST ST CHARLES, IL	630-513-0618
2	Martha Drew	<u>[Signature]</u>	1026 Dean St Apt E.	St. Chas 815-847-0646
3	Creighton Geiger	<u>[Signature]</u>	1102 Dean street apt. #2 "	(765-480-2830)
4	Marcus Roushew	<u>[Signature]</u>	1102 DEAN ST APT#4 "	(630) 770 8418
5	Nick Cushman	<u>[Signature]</u>	1132 DEAN ST. APT D "	(630) 770-8181
6	Suey Hamm	<u>[Signature]</u>	424098 Retreat Ct "	(630) 513 0743
7	Angela Torres	<u>[Signature]</u>	1102 Dean St Apt #1 "	630-588-1894
8	TED BRUBAKER	<u>[Signature]</u>	1102 DEAN ST. APT. 6 "	630-677-3833
9	Don Lucas	<u>[Signature]</u>	1103 DEAN ST "	630-885-3217
10	Lois Fystro	<u>[Signature]</u>	1118 DEAN upper apt D "	630 397-0492
11	Don Paul	<u>[Signature]</u>	56 N 12 ST "	630 202 9375
12	Stephanie Paul	<u>[Signature]</u>	56 N 12 ST "	630 202 2496

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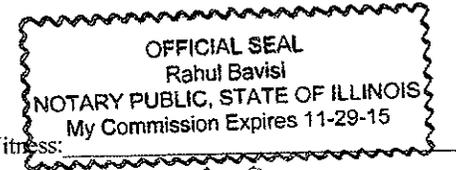
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Signed: *Larry Belmont*

Date: 8-24-12



Notary Witness: *Bavin Rahul*

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Carmen Hanes	<i>Carmen Hanes</i>	911 Dean St St. Charles	(630) 779-4391
2	Mark Cecchi	<i>M. Cecchi</i>	911 Dean St St. Charles	(630) 779-4391
3	Debbie Hay	<i>Debbie Hay</i>	905 Dean St St Charles	(630) 291-3243
4	KEVIN HAY	<i>Kevin Hay</i>	905 Dean St St Charles	(630) 291-3243
5	Debra Mengler	<i>Debra Mengler</i>	902 Dean St St Charles	630-377-2638
6	Jeffrey Mengler	<i>Jeffrey Mengler</i>	902 Dean St, St Charles	630-377-2638
7	MIKE SCOTT	<i>Mike Scott</i>	206 N. 9 <sup>th</sup> St STL	630 659 4283
8	Candyn Lhotka	<i>Candyn Lhotka</i>	419 State St St Charles	(630) 474-0119
9	John C Sheehan	<i>John C Sheehan</i>	814 W State St St Charles	630-640-8009
10	Kenny Bernhard	<i>Kenny Bernhard</i>	812 W State St St. Charles	630-397-9546
11	Natalie Errichiello	<i>Natalie Errichiello</i>	811 W State St St. Charles	630 841 7261
12	Tom Kott	<i>Tom Kott</i>	"	"

*Handwritten mark*

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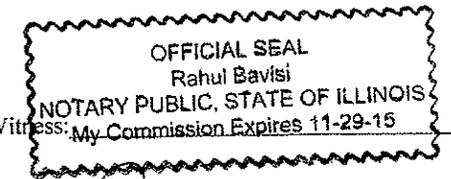
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Signed: Larry Bollagert

Date: 8-24-12



Notary Witness:

Rahul Bavisi

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Phil KRAHENBUHL	<u>[Signature]</u>	821 STATE ST CHARLES	630-440-1460
2	Lauren Krahenbuhl	<u>[Signature]</u>	821 State St "	630 939 3443
3	CHERYL HANSEN	<u>[Signature]</u>	205 N. 9 <sup>th</sup> St "	630-377-1928
4	Al Mantoux	<u>[Signature]</u>	921 N 9 <sup>th</sup> St "	
5	LARRY BOLLAGERT	<u>[Signature]</u>	912 DEAN ST. "	630-584-9153
6	Martha Diaz	<u>[Signature]</u>	225 N 9 <sup>th</sup> St "	
7	Joyce Wyatt	<u>[Signature]</u>	934 Dean St. "	630-584-5679
8	Luther Wyatt	<u>[Signature]</u>	934 Dean St. "	630-584-5679
9	Danny Bednarek	<u>[Signature]</u>	1005 Dean St. "	630 514-9005
10	Kim RAMONT	<u>[Signature]</u>	1014 Dean St. "	630-377-0233
11	Deanna Siaszkov	<u>[Signature]</u>	1014 Dean "	" " "
12	LINDA KELLY	<u>[Signature]</u>	204 N 9 <sup>th</sup> St "	

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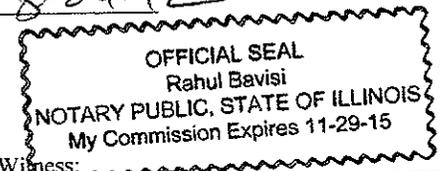
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Signed: *Larry Bollert*

Date: 8-24-12



Notary Witness: *Barr*  
*Rahul*

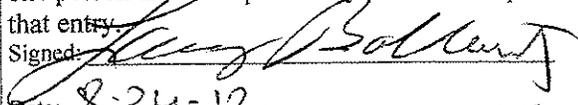
#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	SARAH GUARINI	<i>Sarah Guarini</i>	1020 Dean St., St. Charles	(630) 090-2472
2	Joe Guarini	<i>Joe Guarini</i>	1020 Dean St., St. Charles	630-200-9048
3	DAVE CHIEF	<i>Dave Chief</i>	1017 Dean St / St. Charles	630-587-0126
4	CATHERINE McNALLY	<i>Catherine McNally</i>	1015 DEAN ST. ST CHARLES	630-486-7893
5	JEFF McFETTER	<i>Jeff McFetter</i>	1003 Dean St St Charles	630-587-6827
6				
7	Gene Schaefer	<i>Gene Schaefer</i>	925 Dean St CHAS.	630-377-8451
8	Sheri Schaefer	<i>Sheri Schaefer</i>	925 Dean St. "	630-377-8451
9	LORRAINE LARSON	<i>Lorraine Larson</i>	925 Dean St "	630-377-6857
10	ROENA SCHAFFER	<i>Roena Schaffer</i>	912 DEAN ST SC. "	630-649-9163
11	ROBERT V. GAUL	<i>Robert V. Gaul</i>	1001 Dean St SC 60174	630-513-0618
12	BOB GAUL JR	<i>Bob Gaul Jr</i>	1001 DEAN ST SC 60174	630-513-0618

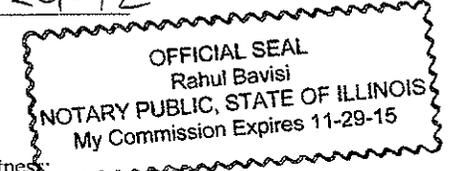
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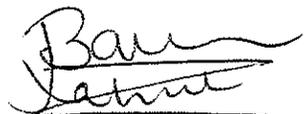
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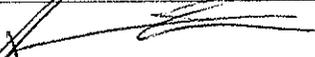
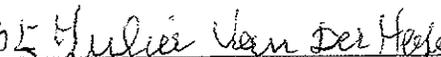
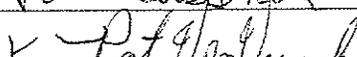
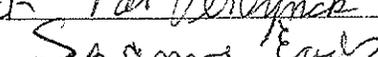
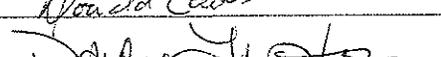
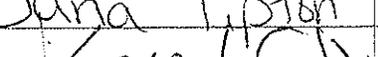
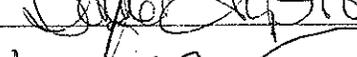
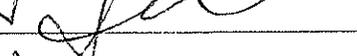
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I certify that, to the best of my knowledge, the names contained on this petition are residents of Saint Charles, Illinois, and that each name is of one person that I did personally witness complete that entry.

Signed:   
Date: 8-24-12



Notary Witness: 

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Billy Hayes		42 N Rth St St Charles	
2	Jonathan Tran		32 N 12th Street "	
3	JULIA VANDERHEY		30 N 12th Street St Charles IL 60111	
4	Pat Kassner		12 N 12th St Saint Charles	
5	<del>Pat Ver</del> Pat VerVynch		25 N. 11th Street St Charles	630-584-0292
6	SUZANNE EADS		29 N 11th ST "	
7	DONALD EADS		29 N. 11th ST. "	
8	Dana Tipton		35 N 11th St "	
9			27 N 11th St "	
10	Allen Bednar		1008 Dean St "	630 584 5952
11	ROBERT WILKINSON		30 N. 11th ST. "	630 484-8328
12	Jennifer Duffy		17 N. 11th St "	630-747-3954

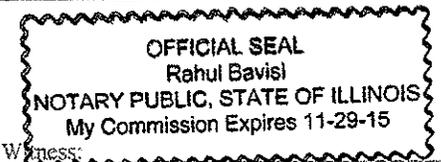
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Signed: [Signature]  
Date: 8-24-12



Notary Witness:  
[Signature]

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Mikhail Nannoo	[Signature]	602 N. 12TH ST CHARLES	773-728-0525
2	Jesus Valenzuela	[Signature]	1620 Indiana St AAA St Charles	224-4250868
3	Elicia Valenzuela	Elicia Valenzuela	1620 W Indiana St AAA St Charles	224 425-0869
4	[Signature]	[Signature]	<del>602 N 12TH St</del> St Charles	<del>773-728-0525</del>
5	Thomas L. Basso	Thomas L Basso	602 N 12TH ST "	773 728 0525
6	Cecilia Sabillon	[Signature]	602 N 12TH ST St Charles	773 728 0525
7	Santo Barbarotta	SANTO BARBAROTTA	602 N, 12 <sup>th</sup> ST. St Charles	773-728-0525
8	Kevin P. Duffy	KEVIN P DUFFY	602 N. 12 <sup>th</sup> STREET St. Charles	773-728-0525 x217
9	Lauren Zessemas	Lauren Zessemas	602 N. 12 <sup>th</sup> St. St Charles	773-728-0525
10	Leana Taylor	[Signature]	602 N. 12th St. St Charles	773-728-0525
11	Alma Flores	Alma Flores	602 N 12 <sup>th</sup> St. St Charles	773-728-0525
12	Laura Alanis	Alma Alanis	602 N 12 <sup>th</sup> St Charles	773-728-0525

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Date: 8-24-12



Notary Witness: [Signature]

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Taylor Cross	[Signature]	604 S. 9th Ave, St. Charles, IL 61074	630-659-6045
2	MARCIA CARSON	[Signature]	1605 Lytle Ave St. Charles IL	630-377-2286
3	Lori Altepeter	[Signature]	907 Illinois Ave St. Charles IL	630-669-6291
4	EDWARD C ALTEPETER	[Signature]	907 ILLINOIS AVE ST. CHAS. IL	630-669-6291
5	Adam Schacter	[Signature]	925 Dean St St. Charles IL	630-377-9451
6	Tim Hughes	[Signature]	933 DEAN ST ST. CHARLES IL	630-457-7633
7	Tim Hughes	[Signature]	933 Dean St St. Charles IL	630-777-4734
8	Elizabeth Phyllips	[Signature]	3623 Province Dr. St. Charles, IL	(630) 464-9444
9	Ellen Phillips	[Signature]	1215 West Main St C IL	630-584-8563
10	Emily Phillips	[Signature]	111 S. 18th St. STC, IL	630-965-8863
11	PHIL ELLBERG	[Signature]	1111 WEST MAIN ST, STC. ILL	630-584-8072
12	Kathy Salzmann	[Signature]	1109 W MAIN ST STC IL	630 513-1310

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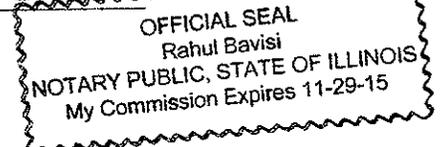
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Signed: Laura Ballant

Date: 8-29-13



Notary Witness: \_\_\_\_\_

Baum  
Rahul

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	SUSAN MILLER	<u>Susan Miller</u>	904 South Avenue ST. CHARLES	630-584-3731
2	Elizabeth Schaefer	<u>Elizabeth Schaefer</u>	925 Dean St St. Charles, IL	630-377-8451
3	Amanda Diamond	<u>Amanda Diamond</u>	99 Herne Street St. Charles, IL	630-461-5769
4	BRIAN GEBHARDT	<u>Brian Gebhardt</u>	17 S 11th St, St. Charles, IL	630-589-3584
5	Heather Gebhardt	<u>Heather Gebhardt</u>	17 S 11 <sup>th</sup> St, Charles, IL	630-589-3584
6	C. F. Besch	<u>C. F. Besch</u>	22 S 11th St St. Charles, IL	630-584-7992
7	<u>Clara M...</u>	<u>Clara M...</u>	1015 Walnut St. St. Charles, IL	630-715-8939
8	<del>Sue Mackey</del>	<del>1207 W Main St</del>	<del>St. Charles, IL</del>	
9	ANNE L. MATHYS	<u>Anne L. Mathys</u>	1207 W Main St St. Charles, IL	
10	Douglas E. Comstock	<u>Douglas E. Comstock</u>	11 N 11 <sup>th</sup> St St. Charles, IL	630-291-6143
11	Ellen Comstock	<u>Ellen Comstock</u>	11 N 11 <sup>th</sup> St St. Charles, IL	630-346-6773
12	MARTIN J. KRASHOC	<u>Martin J. Krashoc</u>	43W570 RELOY ST. ST. CHARLES, IL	630-365-2471

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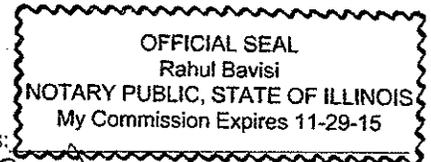
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Signed: *Rahul Bavisi*

Date: 8-24-12



Notary Witness:

*Rahul Bavisi*  
*Rahul*

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Gordon Audet	<i>[Signature]</i>	1203 walnut st. stc.	630-277-2938
2	SEAN ZEMNICKOWICZ	<i>[Signature]</i>	17 S 12th STREET ST. CHARLES	630-587-9043
3	PAM GUST	<i>[Signature]</i>	15 S 12th STREET, ST CHARLES	630-640-8335
4	Wallace Thompson	<i>[Signature]</i>	11 S 12th St. ST. CHARLES, IL	630-584-7316
5	Allan Nelson	<i>[Signature]</i>	12 South 12th St St. Charles	630-584-7491
6	Rob WILSON	<i>[Signature]</i>	20 S. 17th St ST. CHARLES	630-587-4197
7	Sharon Wright	<i>[Signature]</i>	808 State St. St. Charles	630-584-6844
8	Scott Feltz	<i>[Signature]</i>	14 N. 12 ST ST. CHARLES	630-219-7138
9	Maria N. Huerta	<i>[Signature]</i>	19 S. 11th St. St. Charles, IL 60174	630-544-9443
10	Jaqueline Mendel	<i>[Signature]</i>	102 S. 11th St St. Charles IL 60174	630-549-0271
11	CHARLES MENDEL	<i>[Signature]</i>	102 S 11th St ST CHARLES IL	630-549-0271
12	Hannah Stanley	<i>[Signature]</i>	131 S. 11th St St. Charles	630/584-3686

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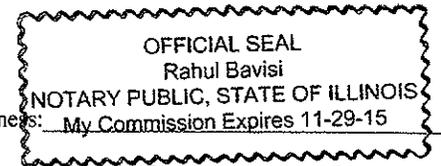
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Signed: *Rahul Bavis*

Date: 8-24-12



Notary Witness: \_\_\_\_\_

*Rahul Bavis*

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	DOUGLAS HEITHOFF	<i>Douglas Heithoff</i>	12 N 11th Street	630-584-2200
2	Molly Youngquist	<i>Molly Youngquist</i>	22 W. 11th St Stc	312-659-2187
3	ADAM Szalkowski	<i>Adam Szalkowski</i>	16 N 11th St "	630 921-5556
4	MARK Szalkowski	<i>Mark Szalkowski</i>	238 Benham Ct "	630 945 3903
5	BRIAN J. COMSTOCK	<i>Brian J. Comstock</i>	34 N. 11TH ST "	630-940-6886
6	Jackie Jackson	<i>Jackie Jackson</i>	52 N. 12 <sup>th</sup> St. "	630-443-0188
7	L'HAIS DENWAREK	<i>L'HAIS DENWAREK</i>	1008 DEAN ST. "	
8	BETTY VAN BROECK	<i>Betty Van Broeck</i>	17 So. 13 <sup>th</sup> St. "	630-584-6240
9	Tracie Crover	<i>Tracie Crover</i>	14 S 13 <sup>th</sup> Street "	630-742-1767
10	Tom Schlegel	<i>Tom Schlegel</i>	21 S 13 <sup>th</sup> Street "	630-995-2600
11	FRANK STANISKO	<i>Frank Stanisko</i>	1202 Walnut St. S.C. "	
12	Michele Audet	<i>Michele Audet</i>	1203 Walnut St St Charles	

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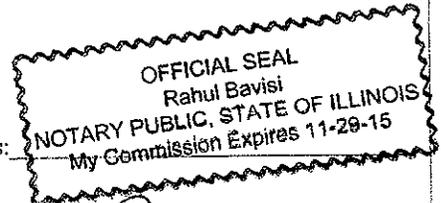
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Signed: Larry Ballant

Date: 8-24-12

Notary Witness:



Rahul Bavis

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jill M Thompson	<i>Jill M Thompson</i>	1118 W Main Street St. Charles	630 945 3617
2	Beth Thompson	<i>Beth Thompson</i>	1118 W Main Street "	630 945 3617
3	LISA CHAMBERLAIN	<i>Lisa Chamberlain</i>	1126 W Main Street "	630 762 7244
4	Andrew Oliver	<i>Andrew Oliver</i>	1210 W Main Street "	630 660 2234
5	Catherine L. Goyal	<i>Catherine L. Goyal</i>	1001 Dean St.	630-513-0618
6	Janet Bednarek	<i>Janet Bednarek</i>	1008 Dean St	630 584-5952
7	<del>Robert Fisher</del>	<del><i>Robert Fisher</i></del>	203 N. 9th St	630-443-3436
8	Cindy Fisher	<i>Cindy Fisher</i>	203 N 9th St	630-443-3436
9	Murk Kaminski	<i>Murk Kaminski</i>	806 W STATE ST	630 377-3527
10	MARVIN STUBBE	<i>Marvin Stubbe</i>	806 W MAIN ST	331 454-4991
11	Dan Duffy	<i>Dan Duffy</i>	12 N. 11th St	637 747 3759
12	Leslie Aulhoff	<i>Leslie Aulhoff</i>	12 N 11th St.	630-584-2210

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Signed: Larry Bollaert

Date: 8-24-12

OFFICIAL SEAL  
Rahul Bavisi  
NOTARY PUBLIC, STATE OF ILLINOIS  
My Commission Expires 11-29-15

Notary Witness:

Rahul Bavisi

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Debra L. Brustle	<u>Debra L. Brustle</u>	650 N 12 <sup>th</sup> Street St. Charles, IL	847-888-1033
2	<u>Susan W. Gagnier</u>	<u>Susan W. Gagnier</u>	1021 Walnut ST 60174	549-0159
3	<u>John Scott</u>	<u>John Scott</u>	95.124 <sup>th</sup> ST. STC	664-2636
4	JOHN BOLLAERT	<u>John Bollaert</u>	306 PARK AVE, STC, IL	630-377-2899
5	LARRY BOLLAERT	<u>Larry Bollaert</u>	912 DEAN ST. STC, IL	630-584-9253
6	MARIA ELENA MARTINEZ	<u>Maria Elena Martinez</u>	211 N. 9 <sup>th</sup> St.	630-513-8622
7	Mignon Canell	<u>Mignon Canell</u>	940 W. Main St.	630-584-2556
8	TOM RYAN	<u>Tom Ryan</u>	21 N 9 <sup>th</sup> St.	630-262-6446
9	LAURA BIERKIE	<u>Laura Bierkie</u>	719 Prairie St.	630-584-3508
10	SARA BIERKIE	<u>Sara Bierkie</u>	719 Prairie St.	630-584-3508
11	Toani Foster	<u>Toani Foster</u>	405 S 7 <sup>th</sup> St. SC	630-549-0178
12	TSENOLYUSH	<u>Tsenolyush</u>	405 S 7 <sup>th</sup> St St. Char. IL	630 549-0178

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Signed: Suzanne Kallej

Date: 8/17/12



Notary Witness: E. M. Franck

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Suzanne Paul-Giffey	<i>Suzanne Giffey</i>	1411 S. 7 <sup>th</sup> Ave. St. Charles	(630) 942-6725
2	Linda Porter	<i>Linda Porter</i>	526 Longmeadow Cir. St. Charles	630-377-8091
3	Terry Ciffone	<i>Terry Ciffone</i>	406 S. 9 <sup>th</sup> St. St. Charles	630-377-7036
4	Kate Bourbeau	<i>Katherine M. Bourbeau</i>	508 Longmeadow Circle St. Charles	587-3106
5	Terry Bourbeau	<i>T. Bourbeau</i>	508 Longmeadow Circle St. Charles	587-3106
6	Kristen Stambres	<i>Kristen Stambres</i>	1344 Midway Ave. St. Charles	584-584
7	Barbara Turcan	<i>Barbara Turcan</i>	1413 Winner Cup Cr. St. Charles	584-584
8	Aleena Batty	ALEENA BATTY	902 FOX GLEN DR ST. CHARLES IL.	630 377-0723
9	Debbie Badali	<i>Debbie Badali</i>	605 Fox Glen Dr St. Ch	630 (584) 2840
10	Debbie Badali	<i>Debbie Badali</i>	1612 Ronzheimer St. Charles	630-377-7668
11	Arlene Hughes	<i>Arlene Hughes</i>	1234 Elm St. St. Charles, IL	630-584-0925
12				

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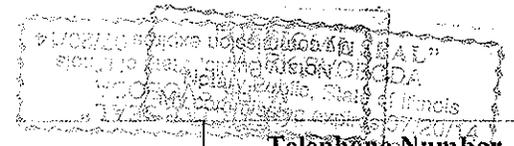
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 Signed: *[Signature]*

Date: *11/7/12*

Notary Witness: *[Signature]*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	PAUL PROACCIO	<i>[Signature]</i>	130 CARROL RD.	630-513-1755
2	LINDA PROACCIO	<i>[Signature]</i>	130 CARROL RD.	630-513-1755
3	CORINNIE CARUSO	<i>[Signature]</i>	113 CARROL RD	630-443-7546
4	John Caruso	<i>[Signature]</i>	113 Carrol Road	630-443-7546
5	MARK WILCZAK	<i>[Signature]</i>	902 CARROL CT.	708 308 5403
6	TERRY SIEGLER	<i>[Signature]</i>	414 Bradley Cir	630-377-6359
7	PATTY SKOWRONSKI	<i>[Signature]</i>	913 Manley Rd.	847-630-4361
8	PAUL SKOWRONSKI	<i>[Signature]</i>	913 MANLEY RD.	630-940-8221
9	TOM JOHNSON	<i>[Signature]</i>	914 MANLEY RD	630-587-0251
10	Matthew Besko	<i>[Signature]</i>	909 Manley Rd.	630-890-2109
11				
12				

RETURN PETITIONS TO: VANESSA BELL-LASOJA  
 1126 507-4277 mlfacc@amrad.com

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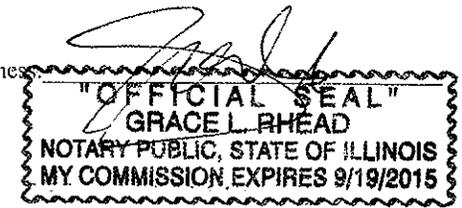
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Signed: [Signature]

Date: 11/8/12

Notary Witness



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Kathleen m Dytrych	<u>[Signature]</u>	912 S. 7 <sup>th</sup> St St. Charles	630-513-0847
2	Shirley M Haraburda	Shirley M Haraburda	248 Bendam Ct St. Chs. Ill.	630-377-6186
3	Pat E. Ange	Pat E. Ange	1814 Wessel St. Chs, IL 60174	_____
4	DONALD B. MISCH	Donald B. Misch	1706 HOWARD ST. ST. CHARLES IL. 60174	630-584-9294
5	Dorothy R. Scott	Dorothy R. Scott	1722 Howard St. St. Charles Ill.	630-584-8883
6	Mary G. Velasco	Mary G. Velasco	1708 Evergreen St., St. Charles	630-444-0484
7	Heidi Woods	<u>[Signature]</u>	3107 King Alford, St Charles	630-728-2713
8	Peggy Hansen	Peggy Hansen	1424 Dean St St Charles Ill	630-806-6954
9	Dave Ette	Dave Ette	_____	630-979-0811
10	Bonnie Helm	Bonnie Helm	1332 Dean St St. Chs. Ill	630-584-0340
11	Betty Helm	Betty Helm	614 S. 7th St. St Charles	630-584-6485
12	Gloria A. Helms	Gloria A. Helms	1232 S. 2nd St. St Charles, IL	_____

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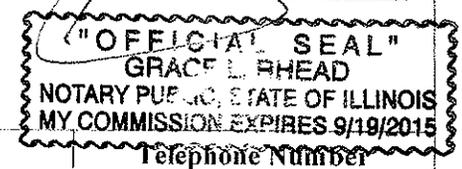
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Signed: [Signature]

Date: 11/8/12

Notary Witness: [Signature]



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Jason Boer	Jason Boer	_____	630-513-4673
2	Mark D. Stefan	Mark D. Stefan	1335 Dean St. St. Charles	
3	William Tomasek	William Tomasek	1303 Fox Meadow Ct. St. Charles	
4	ANTHONY VALERO	Anthony Valero	1432 Dean St.	630-584-5812
5	JONATHAN VISON	Jonathan Vison	1314 FOX MEADOW CT	
6	Ferry Matthews	Ferry Matthews	_____ ST CHARLES IL	630-512-5288
7	Tony Meake	Tony Meake	1005 Dean St. St. Charles	630-733-3314
8				
9				
10				
11				
12				

RETURN PETITIONS TO: Vanessa Bell-LaSola  
630-587-4379 ccforss@gmail.com

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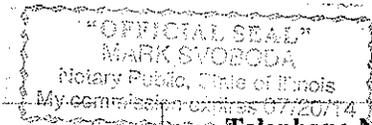
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Signed: *[Signature]*

Date: 11/2/12

Notary Witness: *[Signature]*



#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Sharon O'Leary	<i>[Signature]</i>	114 Canal Rd, STC 60174	630-584-9435
2	WENDY GRUBER	<i>[Signature]</i>	904 CARROL CT. STC 60174	630-587-8477
3	Alberto Aguirre	<i>[Signature]</i>	910 Manley Rd. St. Charles 60174	224-522-4165
4	JAMES M HENRY	<i>[Signature]</i>	913 TIMBERS TRAIL ST. CHAS. 60174	630-584-4349
5	Suzy Francis	<i>[Signature]</i>	906 Canal Ct. St. Ch 60174	630-513-8684
6	Angie Yones	<i>[Signature]</i>	906 Canal Ct. St. Ch 60174	571-439-4085
7	PAUL FRANCIS	<i>[Signature]</i>	906 Canal Ct. St. Charles, 60174	630-513-8684
8	DAVID FRANCIS	<i>[Signature]</i>	906 Canal Ct. St. Charles 60174	630-452-8988
9	MARK SVOBODA	<i>[Signature]</i>	862 Timbers Trail St. Ch	630-788-0955
10	Jane Rems	<i>[Signature]</i>	710 Timbers Tr St. Ch	630-584-7370
11	Robert 2. Jones	<i>[Signature]</i>	806 Timbers Tr St. Ch	630-589-9279
12	Mary E Jones	<i>[Signature]</i>	806 Timbers Tr St. Ch	630-589-9279

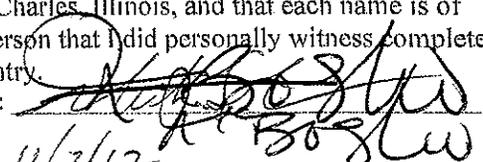
RETURN PETITIONS TO: VANESSA BELL-LASARZ  
1125 E. 11th St. St. Charles, MO 63075  
mls@ccr.com

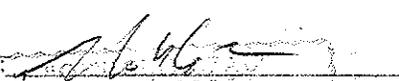
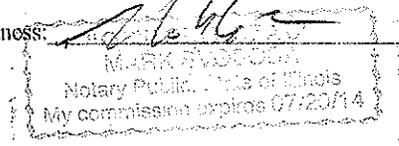
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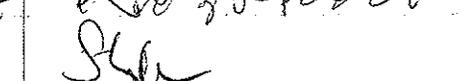
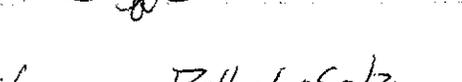
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Date: 11/7/12

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#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Naomi Bosko		909 Manley Rd. St. Charles IL	630-513-5544
2	Pete Vant	PETE WARRISA	905 Timbers Tr St. Charles IL	630-205-8610
3	Mary Eileen O'Sullivan	Mary Eileen O'Pell	905 Manley Rd. St. Charles IL	630-584-4573
4	Joseph Bosko		909 Manley Rd. St. Charles IL	630-715-8806
5	Tom Bosko		909 MANLEY ROAD	630-715-8810
6	Laurie Lyons	Laurie Lyons	1905 Ked Hawn Ln	630-234-8349
7	William M. Beckman		105 Morningside Way St. Charles	630-262-1640
8	Lorel Brie		466 Morningside Way	630-541-0256
9	Tracy Roseman		606 Timbers Ct, St C	630-443-0763
10	Joe Srobach		802 Timbers Tr	630-513-0055
11	Kathryn Rutledge		79418 Dharlow D. St C	630-587-4030
12	Steve Boulder		110 Canal Rd	630-762-1224

RETURN PETITIONS TO: VANESSA Bell-LaSalle  
 1121-501-4277 mfbcc@arrail.com

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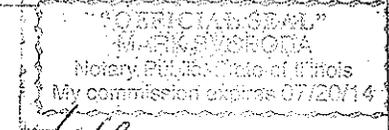
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Signed: *[Signature]*

Date: 11/21/12



Notary Witness: *[Signature]*

#	Name (Printed)	Signature	Mailing Address	Telephone Number
1	Amy Eck-Henry	<i>[Signature]</i>	906 Thornwood Dr St Charles	(630) 234-8163
2	Steve Nink	<i>[Signature]</i>	602 Timbers Trail St Chas	630 624-1156
3	Paul Sargent	<i>[Signature]</i>	503 Timbers Tr	224 558 3156
4	Emma Webb	<i>[Signature]</i>	110355 Crestwood dr	630 731 0845
5	Tom Bosko	<i>[Signature]</i>	909 Mantley rd.	630 513-5344
6	Tracy Neff	<i>[Signature]</i>	701 Prodden Ct.	630-444-4188
7	Patti O'Connell - Purkin	<i>[Signature]</i>	901 Mantley Rd. St Charles	630 587-6943
8	Molly Mackay-Zacker	<i>[Signature]</i>	506 Timbers Tr St Charles	630.584.7737.
9	David Zacker	<i>[Signature]</i>	506 Timbers Tr St Charles	630.584.7737
10	Linda Ludwig	<i>[Signature]</i>	910 Carrol Ct. St Charles	630-762-1527
11	Liz Brazda	<i>[Signature]</i>	110 Carrol Rd, St Charles	630-762-1224
12	Jeanne Aguirre	<i>[Signature]</i>	910 Mantley Rd	224-770-8634

RETURN PETITIONS TO: Vanessa Bell-LaSota  
1120 501 4277 mla@ccr.com

P & D Comm Mtg.

11/08/2012 09:21 PM

From: David Amundson <david.amundson@att.net>

To: <rcolby@stcharlesil.gov>

Russ -

Please place the following article into the public comment packet for the Aldermen, in advance of the 11/12/12 P & D Comm. meeting.

Thank you -

David Amundson

On Monday, November 12th, the elected officials of St. Charles will once again consider the application for the Lexington Club PUD development (a residential development proposed to be located on the site formerly occupied by Applied Composites, bounded roughly by 12th Street on the West, 5th Street on the East, the train tracks on the North, and Dean Street / State Street on the South. For more in-depth information, please see [here](#) ). A lynchpin of the proposal is the use of Tax Increment Financing (TIF) funds. TIF is simply a fancy way of saying that they will capture and repurpose property tax revenue from the homes in the development for up to 23 years, and apply those funds to purposes other than for what they are normally used. In the case of the proposed Lexington Club project, at least \$3.47M of this future property tax money will flow, not to our cash-strapped local governmental entities, but to the developer, so he can pay off his construction loans.

If you think this proposal sounds like a good idea, then you have the easiest job to do: you should do nothing. Nothing is certainly the easiest thing to do about this proposal, as it is far easier to not speak up or write a letter than it is to take the time to do so. The developer certainly hopes that is what we will all do, because in the absence of any stiff opposition, the City Council may just go ahead and vote to approve this development and its associated TIF funding. If they do go ahead and vote for it, what will the cost to our town be? For starters, we will have moved one more step towards making irrelevant the guidance documents that the City takes time and money to produce (ask the folks upset about the proposed Corporate Reserve project about the importance of sticking to the vision set by those guidance documents), and, maybe most importantly to folks who live away from the impacted neighborhood, the use of the TIF funding mechanism likely means that either your services will go down or your property tax bill will go up, to help pay for this development that precious few people, save the developer, want to see built.

Yes, I will freely acknowledge that this is a better TIF structure than the one used on the previous TIF-funded projects across town. In those projects, the City issued bonds (borrowed money) to help pay for construction, and then hoped that the value of the project would rise enough to create enough property tax payments to pay the debt service on the bond issue. When that has not happened, the City has been forced to eat the cost of the shortfall (which will ultimately show up in all of our property tax bills). In this current scenario, the developer will take out private loans that will be backed by the anticipated future property tax receipts from his development (which he will receive, per the TIF structure). If the development fails to perform, either the developer or the bank will eat the loss, not the City. Whew. Why is that so bad? What do we have to lose? Good thing you asked. The kicker about using TIF funding for residential developments is that while 100% of the school-aged children who live in the development get to attend D303 schools, less than 50% of the money that would normally flow to D303 will do so; D303 will be faced with new costs, but not enough new revenue to offset those costs. Extra children without sufficient extra funding seems to mean only one of two things: either D303 (the source of about 30% of our property values; one could buy a far nicer home other nearby communities for the same money, but one is then stuck with their schools) takes a hit and cuts services further, or, far more likely, D303 does nothing except make up a budget that reflects the additional costs of the additional children, and leaves it up to the tax people at Kane County to pass those additional costs on to all of us. Yes, that's right. We will all be volunteered to help pay for a development that has few supporters, via our higher property tax bills. No, it will not be a huge amount of money, but it is the principle of it that matters to me the most.

If this proposal passes, and it is not the result that we wanted, we will all have an outlet to vent our frustration: the ballot box. I imagine that the springtime City Council races will all be made much more interesting when the challengers will have a chance to beat the incumbents over the head about their votes in support of (indirectly) raising our property taxes. That should make for some interesting local politics. However, it will be too late by then, as we will all be stuck footing the bill for the next 23 years.

As I said at the top, if all of this sounds like a good idea to you, then you get the easy job: you get to do nothing. However, if you think this is not the best proposal the City Council has considered, then you need to do something – and soon (like right now, before you get up and walk away from your computer). The cost of doing nothing could very well show up in your property tax bill for the next 23 years. Call your Aldermen. Write your Aldermen. Join the Facebook group “Citizens for Responsible Redevelopment of Applied Composites” to keep yourself in the loop with current developments. Better yet, show up at a public meeting and speak out on the subject (as of now, the next one will be at 7pm on Monday, Nov. 12th at the Municipal Building, 2 E. Main Street). Whatever you do, please do something. We cannot afford the high cost of doing nothing.



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Update on the Comprehensive Plan Project – Information Only
Presenter:	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (11/12/12)		City Council

Estimated Cost:		Budgeted:	YES		NO	
-----------------	--	-----------	-----	--	----	--

If NO, please explain how item will be funded:

**Executive Summary:**

The Task Force last met on Oct. 24 and Oct. 30 to finalize the Vision-Goals-Objectives document and the Focus Area Plans for the East and West Gateways, Downtown, and the Main Street Corridor. They also reviewed and discussed future land use plans for potential development parcels that have not previously been discussed in the Focus Area Plans.

The Task Force will next meet on Wednesday, Nov. 14 at 7:00 pm in the Council Chambers to review and discuss a complete plan document draft.

An Open House for the public to review and comment on the plan document will be held on Wednesday, Nov. 28 from 6:00 to 7:30 pm in the Council Chambers.

The Task Force will then meet on Wednesday, Dec. 12 at 7:00 pm in the Council Chambers to review the feedback from the Open House and make a recommendation on the entire plan draft. Additional Task Force meetings may be scheduled if necessary to keep the project on schedule.

Following a recommendation by the Task Force, the City Council will be asked to direct the Plan Commission to review the document. Review and recommendation by the Plan Commission is a state statutory requirement prior to the adoption of a Comprehensive Plan. The Plan Commission is scheduled to review and recommend on the plan document in January 2013.

The plan document is scheduled to be initially presented to the Planning and Development Committee at the meeting on Monday, Feb. 11, 2013. The formal public hearing on the plan document will be held by the City Council at a later date, following the recommendation from the Planning and Development Committee.

**Attachments:** *(please list)*

**Recommendation / Suggested Action** *(briefly explain):*

For information only.

<i>For office use only:</i>	<i>Agenda Item Number: 5a</i>
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