



MICHAEL D. FIRSEL
MICHAEL E. ROSS
CHRISTINE S. BOLGER
KAREN JERWOOD
JESSICA T. COOPER

2801 LAKESIDE DRIVE, SUITE 207
BANNOCKBURN, IL 60015

O 847-582-9900
F 847-582-9933

www.firsellross.com

May 26, 2020

Mr. Charles Witherington-Perkins
Director of Planning and Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

**Re: Request for Extension - Arlington 425 Planned Unit Development
Ordinance 19-019 (the "Ordinance")**

Dear Charles,

This letter is written as a second follow-up letter to the letters I sent you dated April 15th and May 15th requesting a one-year extension before the expiration of the preliminary plat approval on June 3, 2020,, and a one-year extension for before the expiration of the Planned Unit Development approval on June 3, 2021.

The original letter cited the various economic and practical reason for such requests. In response, you indicated that the Village would prefer to have the 8' land dedications along the east side of Chestnut and the west side of Highland (the "Dedication Property") be made as soon as possible. In the May 15th letter I cited specific reasons why CCH LLC ("CCH") is unable to convey the Dedication Property at this time. When I explained that we could not agree to presently convey the Dedication Property due to the undetermined utility locations and other practical issues relating to the project, you requested a specific date by which CCH would convey the Dedication Property.

In our discussions I have stated that we need to know what underground utilities, if any, would be located within the Dedication Property along Chestnut. Our consulting general contractor, Power Construction, has advised us that the installation of utilities within the Dedication Property may have a material adverse impact on the structures approved for development on the Arlington 425 Property. In addition, there are currently both gas and electric lines on the east side of Chestnut west of the Dedication Property. Finally a view of the site clearly shows that a significant number of electric lines already exist on the west side of Chestnut.

During the extensive and detailed negotiations of the contents of the Ordinance, CCH was advised that the requirement of the 8' of dedication was for road widening purposes. At no time was there ever a mention of the installation of public utilities within the Dedication Property. The taking of a total of 16' of property on this site has had a material impact on the Project. To install utilities



Mr. Charles Witherington-Perkins

May 26, 2020

Page 2

within those areas, and thereby further restricting or impacting the use of the Arlington 425 Property is not now, nor has it ever been, contemplated to be a part of any agreement with the Village

So here is the direct answer to your question:

1. CCH LLC will agree to convey the Dedication Land at any such time as requested by the Village; *provided, however*, there will be a deed restriction stating that no public or private above or underground utilities will be allowed to be constructed within the Dedication Property without the written consent of the owner of the Arlington 425 property.

2. In the alternative, CCH will agree to convey the Dedication Properties to the Village on the earlier to occur of:

a. the execution and recording of the final Plat of PUD recorded in connection with the Arlington 425 Property; or

b. such time as a final utility plan for the Arlington 425 Property and Chestnut Avenue (from Sigwalt to Highland) has been agreed to by the Village, CCH and all utilities involved.

It has always been and will continue to be the intention of CCH to abide by the terms of the Ordinance. However, mutual cooperation and understanding of the needs of both the Village and CCH are of paramount importance.

After working so hard and so long on having the Ordinance approved and passed, it would be extremely unfortunate if the extensions requested were not granted due to the recent request that a firm date for the conveyance of the Dedication Properties be made as a requirement for the granting of the proposed extensions, especially in light of the uncertain times in which we all find ourselves as businesses, Villages, and the country as a whole.

Based on the reasons set forth in this and our previous requests, we again request that this matter be placed on the Village Board agenda on June 1, 2020 for consideration.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Very Truly Yours,

A handwritten signature in black ink that reads 'Michael D. Firsell'. The signature is written in a cursive, flowing style.

Michael D. Firsell