



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 15, 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: Arlington 425 Planned Unit Development Ordinance 19-019
Request for Extension**

Dear Charles,

This letter is written as a follow-up letter to the letter I sent you dated April 15th requesting a one-year extension before the expiration of the preliminary plat approval, and a one-year extension for before the expiration of the Planned Unit Development approval. In that letter I requested that we be placed on the Village Board Agenda on May 18th for consideration and approval.

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' dedications along the east side of Chestnut and the west side of Highland be made as soon as possible. When I explained that we could not currently agree to such dedications due to the undetermined utility locations and other practical issues relating to the project, you requested a specific date by which we would make such dedications. Therefore, we were not placed on the May 18th agenda, apparently due to our unwillingness to commit to a specific date by which such dedications would be completed.

After discussing the matter extensively with my client, and analyzing and referring back to the enabling ordinance (Ordinance 19-019, the "Ordinance"), we are renewing our request to be placed on the May 18th Village Board agenda. We find that requiring us to perform a very specific action when most other requirements of the Ordinance have not been and cannot be completed at this time to be totally unrelated to the request to extend the approvals requested. It was always our contemplation that the dedications requested would be memorialized and included as a part the final Plat of Planned Unit Development.



Firsell Ross

ATTORNEYS AT LAW

Mr. Charles Witherington-Perkins

May 15, 2020

Page 2

There are several reasons why we cannot give a firm date for the dedications at this time.

1. We have not completed our own final engineering for this site. One major reason for that is we must confirm that we have a final utility plan for the utilities necessary (including adequate capacities) to serve the project. The location and access points for these utilities need to be confirmed and memorialized.

2. If the approval of the preliminary plat or the final PUD plat are not timely satisfied, the approvals become invalid, and if that were the case neither party should be obligated to perform under the ordinance. If the dedications are done before final PUD approval, CCH will have conveyed a portion of its property to the Village for no consideration

3. The Ordinance is silent as to when the dedications are to be made, and for one party to unilaterally interpret and define an undefined term is somewhat unreasonable.

4. We do not understand the necessity or urgency to this request and condition. Simply put, CCH cannot develop this project unless and until the dedications are completed. The Village does now, and will continue to, control this issue to insure that the dedications are completed.

Based on the reasons set forth in this letter, we again request that this matter be placed on the Village Board agenda on May 18th for consideration.

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

Very Truly Yours,

Michael D. Firsell