

To: Village of Arlington Heights Plan Commission

Submitted By: The Winkler Group LLC  
1699 E. Woodfield Road, Ste. 400  
Schaumburg, IL 60173

On Behalf of: Weber Packaging Solutions, Inc.

Date: February 24, 2021

Matter: Hamilton Partners (“Hamilton”) proposed, revised PUD project for the property known as 703-709 W. Algonquin Road, Arlington Heights (the “Project”)

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Weber Marking Systems, Inc. d/b/a Weber Packaging Solutions (“WPS”) remains committed to communicating its concerns regarding the Project.

The current PUD was proposed by Hamilton in late 2017 and public hearings were held by the Village of Arlington Heights Plan Commission on 2/28/18 and 3/28/18. WPS appeared at both hearings.

One major concern (among others) expressed by WPS at the hearings was the construction, maintenance and operational issues relating to the private access road shared by Hamilton and WPS. The private drive is required for access to both properties. The private drive is legally created by a 22’ easement on each property.

The 2018 PUD moved forward to the VOA Board of Trustees on a 4-4 Plan Commission vote.

Part of the Plan Commission approval was premised upon a mutually agreeable arrangement being reached between WPS and Hamilton relating to the private drive issues. WPS believed that an agreement had been reached between Hamilton and WPS on all significant issues. Accordingly, WPS did not appear at the VOA Board meeting approving the PUD.

Final details relating to the private drive issues were all eventually worked out by the parties, and executed documents were delivered to WPS legal counsel by Hamilton’s legal counsel on 12/20/18.

WPS legal counsel obtained all Weber signatures thereafter and so advised Hamilton’s legal counsel.

Inexplicitly, a letter was sent to WPS legal counsel by Hamilton’s legal counsel on 2/8/19 withdrawing Hamilton’s consent to the executed documents. Despite many efforts to contact

Hamilton or its legal counsel, no return call, email or letter was ever received. An email confirming the efforts was sent to Hamilton's attorney by WPS' legal counsel on 4/25/19, almost three (3) months after the "termination letter". No response was ever received after the 4/25/19 letter from either Hamilton or its legal counsel.

After WPS recently became aware of the request by Hamilton of the revised PUD (i.e. the current Project), WPS legal counsel arranged with VOA staff to visit the VOA offices to view the proposal on 1/12/21. WPS President Doug Weber received a call from John Wauterlek (a partner in the Hamilton ownership entity) just hours after such meeting (which did not include any Hamilton representatives) informing Mr. Weber of the PUD revision and pledging "cooperation" from Hamilton. No further contact of any kind was received from Hamilton since 1/12/21.

Needless to say, based upon Hamilton's prior actions, WPS is skeptical of Hamilton's desire and eagerness to voluntarily cooperate with WPS and the VOA to take the actions necessary to ensure a safe environment at the site.

The use of the Hamilton property fundamentally changed in December of 2020 and traffic has dramatically increased with a new tenant at the Hamilton property. As a result of observing many unsafe truck maneuvers, Doug Weber had cameras installed on the WPS property in December, 2020 to record the traffic activity. Mr. Weber has shared many of the videos with VOA staff including recordings of 1) trucks backing over the private road; 2) trucks stopped on the private road; 3) a truck striking the Commonwealth Edison utility pole; 4) trucks travelling down the wrong side of the drive; 5) trucks backing into truck docks while blocking both lanes of the drive; and 6) trailers parked on the drive.

The proposed PUD will make traffic congestion at the site far worse due to permitting more truck parking, having no turnaround space for trucks and the lack of any coordinated traffic plan.

Accordingly, prior to Plan Commission action, Weber requests that 1) the traffic safety issues at the site be more fully investigated; 2) that a revised PUD only be approved if it adequately addresses the safety issues (including the installation of barriers as appropriate); and 3) that a mutually acceptable easement agreement be required to be negotiated and executed by the parties and recorded with the Cook County Recorder.

LAW OFFICES OF  
SCHIROTT, LUETKEHANS & GARNER, LLC

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JAMES R. SCHIROTT (RETIRED)

December 20, 2018

VIA FEDERAL EXPRESS  
NEXT DAY DELIVERY

Thomas W. Winkler  
The Winkler Group LLC  
1699 E. Woodfield Rd., Ste. 400  
Schaumburg, IL 60173

Re: 723 Algonquin Road Project  
Our File No. 4181

Dear Mr. Winkler:

Enclosed please find the following documents:

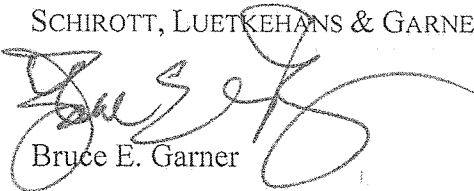
1. Watermain Easement Agreement; and
2. Easement Amendment.

Please note that both documents have been executed by my client and have legal descriptions attached. Please obtain both of your clients' signatures and return the original documents to me so that I might record same.

Should have any questions or comments, please do not hesitate to contact me directly at (630) 632-5809.

Very truly yours,

LAW OFFICES OF  
SCHIROTT, LUETKEHANS & GARNER, LLC



Bruce E. Garner

BEG/daa  
Encs.

LAW OFFICES OF  
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JAMES R. SCHIROTT (RETIRED)

February 8, 2019

VIA FEDERAL EXPRESS  
(Next Business Day Delivery)  
& EMAIL TRANSMISSION  
[tom@winkler-law.com](mailto:tom@winkler-law.com)

Thomas W. Winkler  
The Winkler Group, LLC  
1699 E. Woodfield Rd., Ste. 400  
Schaumburg, IL 60173

Re: 703-709, 715-723 W. Algonquin Rd., Arlington Heights, Illinois  
Arlington Heights Petition No. 17-013  
Our File No. 4181

Dear Mr. Winkler:

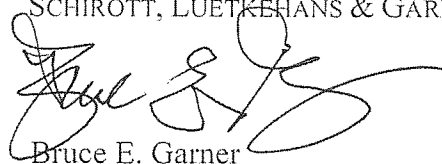
Please be advised that as of today's date the following documents sent to you on December 20, 2018 bearing my client's signature are no longer valid or effective, and any offer(s) on behalf of Arlington Heights 1 LLC connected therewith are hereby withdrawn:

1. Watermain Easement Agreement; and
2. Easement Amendment.

Please either destroy those documents or simply return them to me at your earliest convenience. If you have any questions or wish to discuss this matter more thoroughly, please do not hesitate to contact me directly at (630) 632-5809.

Very truly yours,

THE LAW OFFICES OF  
SCHIROTT, LUETKEHANS & GARNER, LLC



Bruce E. Garner

BEG/daa  
c: John Wauterlek  
Michael Wauterlek



Thomas W. Winkler, JD, CPA  
tom@winkler-law.com  
www.winkler-law.com

The Winkler Group LLC  
1699 E. Woodfield Road, Suite 400  
Schaumburg, Illinois 60173

TELEPHONE (847) 466-5280  
FACSIMILE (847) 466-5330

March 4, 2019

**By Email (bgarner@slg-atty.com) and by  
First Class U.S. Mail**

Mr. Bruce E. Garner  
Schrott, Luetkehans & Garner, LLC  
105 E. Irving Park Rd.  
Itasca, IL 60143

Re: 723 W. Algonquin Road, Arlington Heights, Illinois

Dear Bruce:

This letter is meant to clarify and hopefully resolve the execution issues relating to the Watermain Easement Agreement and Easement Amendment relating to the above referenced property.

After almost (1) year of issues, discussion and negotiation, you sent to our office on December 20, 2018 original documents executed by your client. A copy of your December 20, 2018 letter is attached. Those documents were then forwarded to Doug Weber for execution.

Sometime around the third week of January, 2019, Joseph A. Weber, Jr. and John Wauterlek of Hamilton Partners met privately to (apparently) discuss various issues relating to the documents and to Hamilton's proposed project. I was not at that meeting and do not know all of the specifics of what was discussed at that meeting.

After the meeting between Joseph A. Weber, Jr. and John Wauterlek, the original documents which you sent to me on December 20, 2018 were returned to my office, executed by Joseph A. Weber, Jr. and Weber Packaging Solutions.

On February 8, 2019, I received a letter from your office requesting the documents previously sent to my office be either destroyed or returned. No explanation was provided as to the reason for such request.



Mr. Bruce E. Garner  
March 4, 2019  
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Since I am now in possession of the two Agreements executed by all parties, it is obviously inadvisable to return fully executed documents to your office.

In order to try to clear up the apparent confusion, I have left several messages with your office requesting that you call me to advise me of the status of your client's position with respect to this matter. None of my messages have been returned. Furthermore, Doug Weber, the President and CEO of Weber Packaging Solutions has left messages with John Wauterlek. Mr. Weber has told me that his messages have not been returned by Mr. Wauterlek.

I will continue to hold the original documents. However, we would appreciate the courtesy of a return call or letter to advise us of your client's position with respect to this matter.

Very truly yours,

THE WINKLER GROUP LLC

TWW/dag  
Enclosure

cc: Weber Packaging Solutions

**From:** Thomas W. Winkler  
**Sent:** Thursday, April 25, 2019 9:34 AM  
**To:** Bruce Garner <[BGarner@slg-atty.com](mailto:BGarner@slg-atty.com)>  
**Subject:** 703-723 Algonquin Road Project

Bruce-----

We have left you many messages over many weeks that have gone unanswered. I left another message last week which was ignored.

We are waiting for you to finalize the Easement Amendment and the Water Main Easement.

Needless to say, your client will not be permitted to undertake any construction activities on the Easement property (or on the Weber parcel) without the finalized, recorded Agreements.

**THOMAS W. WINKLER, JD, CPA**

**ATTORNEY**

**THE WINKLER GROUP LLC**

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Email: [tom@winkler-law.com](mailto:tom@winkler-law.com) | Website: [www.winkler-law.com](http://www.winkler-law.com)



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