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June 14, 2023

Susan Dawson, Chair and
Members of the Plan Commission of the
Village of Arlington Heights
33. S. Arlington Heights Road
Arlington Heights, IL 60005-1403

Re: Request of Arlington Downs Residential, LLC, a Delaware limited liability company ("Petitioner"), for Plan Commission Hearing and Recommendation – Arlington Downs Four Plat of Resubdivision

Dear Chair Dawson and Members of the Plan Commission,

Please consider this letter the formal request of Arlington Downs Residential, LLC ("ADR") for the approval of the proposed Arlington Downs Four Plat of Resubdivision (the "**4th Amended Plat**"), for the project commonly known as Arlington Downs, which is located at the northeast corner of Euclid Avenue and Rohlwing Road (the "**Project**"), in the Village of Arlington Heights (the "**Village**"), for review and recommendation to the Arlington Heights Village Board (the "**Village Board**").

The original Arlington Downs Plat of Subdivision was recorded on January 3, 2013 (the "**Original Plat**") and consisted of 5 separate "**Lots**" (or "**Lot Owners**"). Lot 1 of the Original Plat included the former Sheraton hotel and water park, but also included the proposed internal roadways connecting Rohlwing Road on the west with Euclid Avenue on the south, as well as access to Salt Creek Lane on the east (the "**Roadways**") for access to the Roadways. The Original Plat was amended on October 25th, 2013 ("**2nd Amended Plat**") which amended original Lots 1, 2, and 4 into Lot 1A, Lot 2A, and 4A. Arlington Downs Two was amended on July 15th, 2019 which amended the original Lot 3 and Lot 5 into Lot 3A and Lot 5A, and Lot 4A into Lot 4B and Lot 4C, as proposed for the construction of the current Residences at Payton Place ("**3rd Amended Plat**") and to relocate the hotel to the south of what is now Stonegate Boulevard along Rohlwing Road. The Roadways are private and are technically owned by the Petitioner, which is the owner of Lot 1A. The cost of the repair, maintenance and replacement of the Roadways (including the associated lighting, snowplowing, signage and landscaping of the Roadways) is the responsibility of the owner of Lot 1 under the Original Declaration, but the costs thereof were to be shared by all of the Lots in the Original Plat as set forth in the original Declaration of Easements Covenants and Restriction (Arlington Downs) (the "**Original**

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Declaration"). Since no other buildings were constructed in the Subdivision at the time of the Original Declaration, there was no other responsible party to undertake and perform such responsibilities.

Over the last 10+ years, additional development of the Project has occurred and continues to progress. It had always been contemplated by the original developers that at such time as additional portions of the Project were put into service, that a separate "**Master Association**" would be formed, and that each Lot Owner would become a member of the Master Association. It was further contemplated that the Roadways would be separated from Lot 1A and conveyed to the Master Association, which Master Association would be governed by an amended declaration of the Lot Owners as further described below.

On January 7, 2019, Arlington Downs Master Association was incorporated as an Illinois not-for-profit corporation, for the very purpose of owning, as well as carrying on the duties and responsibilities of repairing, maintaining and replacing, to the extent necessary, the Roadways as well as the other common areas of the Project, which may include signage areas, signs and other portions of the Project where more than one Lot Owner is responsible for the repair, maintenance and replacement of portions of the Project under the Original Declaration.

But for the limitations imposed by the Illinois Plat Act (765 ILCS 205/1 et. seq.), the Petitioner would have simply conveyed the Roadways to the Master Association. Unfortunately, the Plat Act does not allow such a transfer, and therefore, an amendment to the existing Plat of Lot 1A must be approved and recorded allowing the Petitioner to convey the Roadways to the Master Association.

Hence, the primary purpose of this Petition is to seek approval by the Village Board of the 4th Amended Plat that will separate the Roadways from what is now Lot 1A, so that the Petitioner can convey the Roadways to the Master Association. The 4th Amended Plat creates Lots 1B (the tower and underground garage owned by the Petitioner), Outlot 1C (the Roadways) and Lot 1D (a small sliver existing to provide a second access point from First Ascent to the Roadways that will be owned by the Master Association and conveyed to First Ascent upon request).

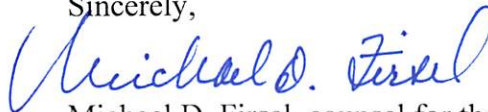
In conjunction with the approval of the 4th Amended Plat, the Petitioner will also be requesting the Plan Commission to recommend approval of the Amended and Restated Declaration of Easements Covenants and Restrictions (Arlington Downs) (the "**Amended Declaration**"). Although there have been two previous Amendments to the original Plat of

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Subdivision¹, the Original Declaration has never been amended to conform to the revised platted Lot configurations. The Amended Declaration will create consistency between the various Lots as well as define the duties and responsibilities of the Master Association for the Roadways. The Amended Declaration also allocates the percentage interests of the Lot Owners for each Lot Owner's share of the cost of the Common Area expenses, which includes the Roadways. Finally, the Amended Declaration also contemplates the proposed Arlington Downs IV Residential Subdivision ("ADR IV"), which includes the westernmost one-third of Lot 2A (the easternmost 2/3 of Lot 2A is currently the First Ascent facility), as well as Lot 16 of the Arlington Park Office Center Subdivision, which is directly north of the westerly portion of Lot 2A along Rohlwing Road. Petitioner believes that ADR IV has submitted or will be submitting a separate PUD amendment to the Village to accomplish the provisions as contemplated in the approved PUD amendment 18-036.

In summary, Petitioner requests that the Plan Commission recommend approval of the 4th Amended Plat and the Amended Declaration.

Sincerely,



Michael D. Firsell, counsel for the Petitioner

¹ The 2nd Amended Plat created Lots 1A, 2A and 4A from Lots 1, 2 and 4.

The 3rd Amended Plat created Lots 4B and 4C from Lot 4A, and Lots 3A and 5A from Lots 3 and 5